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New Districts Encourage Newcomers, Dissuade Incumbents

Key committee chairmen face strong competition after districts redrawn

By PAUL CHESSER
Associate Editor

RALEIGH

The nightmares of a brutal redistricting battle aside for now, North Carolina is finally proceeding with its long-delayed 2002 campaign season.

The Sept. 10 primary and Nov. 4 election established by the General Assembly are expected to produce some of the most competitive races the state has had in years.

The abbreviated filing period for House and Senate races, which ended July 26, lasted just eight days. In that short time frame several lawmakers decided not to campaign because of unfavorably drawn districts. Others switched from races for one legislative chamber to the other because of a greater likelihood of victory. Some longtime hopefuls jumped into races suddenly offering them a chance to win.

Turning in their gavels?

Among those leaving or in danger of losing their seats are chairmen of two of the Senate's most powerful committees.

After redistricting, Rep. Carolyn Russell of Goldsboro found herself matched against Rep. Billy Creech of Johnston County, so she decided to leave Creech uncontested in his race and challenge influential Sen. John Kerr, also of Goldsboro. Cochair of the Senate Finance Committee, Kerr represents a district skewed heavily Democratic by a 66 percent to 24 percent ratio over Republicans in voter registration.

"The district on paper is not a good one for me," Russell said. "But the way spending has increased...I have watched the level of the importance of the people of this state take a back seat to politics. This is a very serious campaign and it's important."

Russell said her first House district when she ran in 1990 had a similar voter registration makeup.

The other cochair of the Finance Committee, Sen. David Hoyle of Gastonia, also faces a challenge from a Republican House member. One-term Rep. Michael Harrington, also of Gastonia, was placed in a

Raleigh's Legislative Building may see many new faces when regular session convenes in January.

House district with fellow Republican Rep. John Rayfield. However, his Senate district leans favorably for the GOP, so he will run against Hoyle.

"We'll see if the Gastonia people want to return Mr. Hoyle," Harrington said, citing what he calls the Democrat's spend-thrift ways. "I'm going to beat him."

Sen. Fountain Odom of Mecklenburg County, a cochair of Appropriations whose new district is 45 percent registered Republican and 33 percent Democrat, will attempt to overcome the odds and run again. Why?

"Of course it will be a difficult election, but he's done an awful lot of things for the state," said Althea Callaway, Odom's campaign manager. "It's really a feeling the people are going to recognize that."

Odom is challenged by Robert Pittenger, who owns a real estate investment company. In addition to the new makeup of the district, Pittenger's inspirations for running are Odom's role as a chief appropriator and the state's spending problems.

"We're going to put those (spending) bills on our website so people can see them," he said. "[Odom]'s a big spender."

Sen. Aaron Plyler, another cochair of the powerful Appropriations Committee, declined to run again in the 35th District, which includes Union and southern

Mecklenburg counties. He has served since 1982. Rep. Fern Shubert of Marshville is running for the seat against four other Republicans, and the winner of that primary will face Democrat Frank McGuirt.

The only Republican leader who might be in danger is Senate Minority Leader Patrick Ballantine, who has a primary challenger in Dallas Brown, Jr. of Wilmington. Should he survive, he will face Democrat Laura Padgett, a Wilmington city councilwoman. The seat is considered competitive but most say it favors a Republican.

Writing on the wall

Several other Democrat lawmakers decided against another campaign because their new districts gave little hope of winning.

In the Senate, where Democrats hold a 35-15 majority, new district maps drawn by Superior Court Judge Knox Jenkins Jr. are expected to help bring party parity to the chamber. As many as eight seats now held by Democrats could be considered toss-ups, and four seats now filled by Democrats are considered solidly Republican because

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GOP must get lucky to win both majorities in legislature, Cobey says

By PAUL CHESSER
Associate Editor

RALEIGH

The wind was at the Republican Party's back throughout the legal fight over redistricting in state and federal courts. Having achieved electoral balance, North Carolina GOP Chairman Bill Cobey says the party now must catch a few more breaks in order to win majorities in both the state House and Senate.

"I really believe we're going to take both chambers, but it will be razor thin — one or two seats in each chamber," Cobey said. "That's predicated on our U.S. Senate candidate (Elizabeth Dole) running very well."

Despite being a nonpresidential election year, Cobey said the fortunes of the party holding the White House rise and fall with the nation's financial condition.

While N.C. Republicans say they have a popular issue in recent state tax increases with which to target incumbent Democrats, voters traditionally hold the party of the president responsible for a poor economy.

Cobey's hoping for an upswing on the economic front. North Carolina has been particularly hard hit by the recent recession.

"In '94 (when Republicans won the state House) the environment was great for us," Cobey said. "Issues are important, but the environment is important, too."

Cobey on some key races:

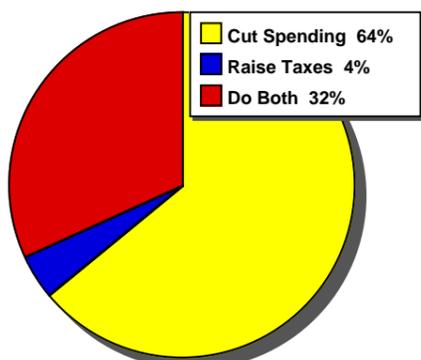
- Rep. Carolyn Russell vs. Sen. John Kerr and former Raleigh Mayor Paul Coble vs. Sen. Eric Reeves: "Those seats look good because of who's running."

- Republican challenger Robert Pittenger vs. Democrat Sen. Fountain Odom: "I'm counting on that one."

- House members John Blust vs. Flossie Boyd-McIntyre: "I wouldn't want to run against John Blust. He's got the energy of two people. He'll knock on every door in that district."

- Wilmington Councilwoman Laura Padgett vs. Senate Minority Leader Patrick Ballantine: "Ballantine has the biggest (Republican) challenge in the Senate, but he's proven that he can get it done." CJ

Best Way to Solve Fiscal Crisis



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PARTING SHOT

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Calendar

Veteran Political Commentator Barone to Speak at Luncheon

Political commentator Michael Barone will be the featured speaker at a John Locke Foundation luncheon at noon Sept. 12 at the Brownstone Hotel in Raleigh.

Barone is a senior writer for *U.S. News & World Report*. Barone grew up in Detroit and Birmingham, Mich. He graduated from Harvard College (1966) and Yale Law School (1969), and was editor of the *Harvard Crimson* and the *Yale Law Journal*.

Barone served as law clerk to Judge Wade H. McCree, Jr., of the U.S. Court of Appeals for the Sixth Circuit from 1969 to 1971. From 1974 to 1981, he was a vice president of the polling firm of Peter D. Hart Research Associates.

From 1981 to 1988, he was a member of the editorial page staff of the *Washington Post*. From 1989 to 1996, and again from 1998 to present, he has been a senior writer with *U.S. News & World Report*. From 1996 to 1998, he was a senior staff editor at *Reader's Digest*.

Barone is the principal coauthor of *The Almanac of American Politics*, published by *National Journal* every two years. The first edition appeared in 1971, and the 15th edition, *The Almanac of American Politics 2000*, appeared in July 1999.

He is also the author of *Our Country: The Shaping of America from Roosevelt to Reagan* (Free Press, 1990). His essays have appeared in several other books, including *Our Harvard* and *Beyond the Godfather*.

Over the years he has written for many publications, including the *Economist*, the *New York Times*, the *Detroit News*, the *Detroit Free Press*, the *Weekly Standard*, the *New Republic*, *National Review*, the *American Spectator*, *American Enterprise*, the *Times Literary Supplement*, the *Daily Telegraph of London*, and the Italian publication *Libro Aperto*.



Michael Barone

Barone is a regular panelist for the "McLaughlin Group," and has appeared on many other television programs and networks, including the Fox News Channel, MSNBC, CNBC, CNN, "Meet the Press," "This Week," "Today," "Good Morning America," "Hardball," "Crossfire," the British Broadcasting Company, ITN of Britain, the Canadian Broadcasting Company, and the Australian Broadcasting Company.

Barone lives in Washington, D.C. He has traveled to all 50 states and all 435 congressional districts. He has also traveled to 37 foreign countries and has reported on the most recent elections in Mexico, Italy, Russia, and Britain.

The cost of the luncheon is \$20 per person. For more information or to preregister, contact Kory Swanson at (919) 828-3876 or events@johnlocke.org.

Special dinner event

James Woosley, former director of the Central Intelligence Agency, will speak at a special John Locke Foundation dinner at 7 p.m. Oct. 16 at the Brownstone Hotel in Raleigh.

Woosley also has been ambassador to the Negotiation on Conventional Armed Forces in Europe; under secretary of the Navy; general counsel to the U.S. Senate Committee on Armed Services; adviser on the U.S. Delegation to the Strategic Arms Limitation Talks; and delegate at large to the U.S.-Soviet Strategic Arms Reduction Talks.

For more information or to preregister, contact Kory Swanson at (919) 828-3876 or events@johnlocke.org.

Shaftesbury Society

Each Monday at noon, the John Locke Foundation sponsors the Shaftesbury Society, a group of civic-minded individuals who meet over lunch to discuss the issues of the day. The meetings are conducted at the Locke offices at 200 W. Morgan St., Suite 200, Raleigh. Parking is available in nearby lots and decks.

"Locke Lines"

The John Locke Foundation produces a monthly audio magazine called "LockeLines" that features speeches made at JLF events each month. "LockeLines" includes Headliner speeches as well as Shaftesbury Society speeches and commentary by Locke staff.

To subscribe, call Kory Swanson at (919) 828-3876. *CJ*

New Districts Encourage Newcomers, Dissuade Incumbents

Continued from Page 1

the majority of voters in those districts are registered for the GOP.

Democratic Sen. Cal Cunningham of Lexington decided not to run when he was drawn into a new district having 48 percent registered Republicans and 38 percent Democrats. He would have faced Republican Sen. Stan Bingham, who now faces only a primary opponent, Ronald Coleman. According to the Statesville *Record & Landmark*, Cunningham rejected a suggestion by Republican leaders that he switch parties.

After first indicating he would run, Democratic Sen. Charles Carter of Asheville finally announced he would not seek re-election. His newly redrawn 48th District includes all of Henderson County, a Republican stronghold. Four GOP candidates, including Henderson County Commissioner Grady Hawkins, former state Sen. Jess Ledbetter, and former state Rep. Ralph Ledford, are seeking the nomination. Businessman Tom Apodaca also filed for the primary. Robert Burrell is the only Democrat candidate for the seat.

In a Senate district that perhaps leans favorably toward the GOP, Sen. Oscar Harris chose not to run against fellow Democratic Sen. Allen Wellons of Smithfield after having been drawn into the same district. Wellons will face either of two Republicans, E. Ray Boswell of Wendell or Johnston County Commissioner Fred Smith Jr. of Clayton.

In the House, Democrat Rep. Ronnie Smith of Newport, after filing initially, discovered a primary challenger in former Rep. Bruce Ethridge and was also drawn into a strong GOP district with Republican Rep. Jean Preston of Emerald Isle. Smith decided against another term.

Preston thinks Ethridge will lean heavily on the lottery referendum issue to promote his campaign.

"I think that's why Bruce picked that issue, because a lot of people in the district support a lottery referendum," said Preston, who is leaning against a referendum. Smith opposed the lottery as well.

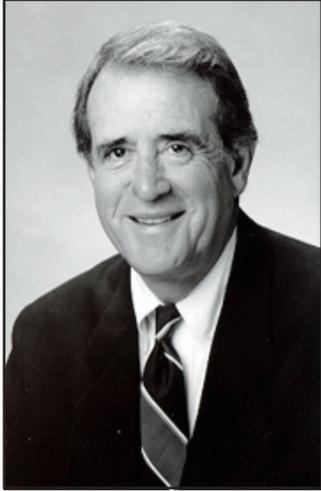
Rep. Mary Jarrell of High Point decided not to run in a new district that is 46 percent Republican and 38 percent Democrat. No Democrat filed for the race, but four Republicans, including former Rep. Steve Wood and High Point City Councilman Chris Whitley, will compete in the primary.

Democrat Rep. Daniel Barefoot of Lincoln County was drawn into an unfavorable district with a Republican incumbent and will not run. Rep. Joe Kiser has a primary challenger in David Noles of Lincolnton, who served one term in the House in the mid-1980s. If Kiser is victorious there he will be opposed by Democrat Floyd Mason.

Incumbents battle each other

In four of the Senate races incumbents will compete for the right to return to Raleigh. Orange County's District 23 will fea-

ture Democrat Sens. Ellie Kinnaird and Howard Lee. The winner will be challenged by Republican and education-reform activist Peter Morcombe of Hillsborough. Voter registration in the district favors the incumbent.



Sen. David Hoyle

Republicans Phil Berger and Bob Shaw will run against each other in the Triad's District 26. No Democrat filed.

"My plan is not to dig through his voting record," Berger said. "I see this as 'I'm running for the seat, and Bob is running for the seat as well. I don't see it as running against him.'"

Sen. Ken Moore of Lenoir and Sen. Virginia Foxx of Banner Elk, both Republicans, will pursue the District 45 mantle, and whoever emerges from the primary is likely to defeat Democrat challenger Mollie Marlene Laws.

In District 50, Democrat Sen. Dan Robinson of Cullowhee will face Republican Sen. Bob Carpenter of Franklin in a race that is a tossup.

The House has two races in which incumbents will compete. Democrats Edd Nye of Elizabethtown and Nurham Warwick will both seek the District 22 seat, and whoever wins will also likely defeat Republican challenger Joy Barbour of Fayetteville.

In a race that could be close, Republican Rep. John Blust will run against Democrat incumbent Flossie Boyd-McIntyre for the District 62 seat, if he survives a primary challenge from Stephen Paul Jones.

Opportunities in Senate races

Placed in districts that were either unfriendly to them or matched them against other incumbents, some House members decided to run for a Senate seat instead.

Drawn into a district with fellow Republican Rep. Debbie Clary, Rep. John Weatherly of Kings Mountain instead decided to run against Democrat Sen. Walter Dalton of Rutherfordton. That Senate district leans slightly Democratic. Clary will still have a primary challenger in District 110. The challenger is Gaston County Commissioner Joe Carpenter.



Sen. Eric Reeves

Rep. Gregg Thompson of Spruce Pine will run for senator of open District 47, which favors the GOP candidate, against three other Republicans. One Democrat, Joe Queen of Waynesville, filed for the race.

crat, Joe Queen of Waynesville, filed for the race.

Comeback kids and other politicians

In a district that leans Republican, Democrat Sen. Scott Thomas of Craven County will be opposed by the winner of a Republican primary between Craven County Commissioner Chuck Tyson and Carteret County Republican Party Chairman Jule Wheatley.

Democrat Sen. Keever Clark, who was appointed to replace the late Sen. Luther Jordan, will defend the District 7 seat against primary challenger Cecil Hargett. Two Republicans, Tom Mattison and former Sen. Tommy Pollard, also filed in the Democrat-dominant region.

In Raleigh, state Sen. John Carrington

must survive a primary with former Wake Forest Mayor George Mackie, Jr. The winner of the solidly Republican District 15 will face Democrat activist Dorothy "Gerry" Bowles.

Sen. Brad Miller's seat, which Miller is leaving in order to run for Congress, is expected to stay in Democrat hands. Wake County Commissioner Vernon Malone was the only Democrat to file for that race, as have two Republicans.

Democrat Sen. Eric Reeves should face an intensively competitive campaign by former Raleigh Mayor Paul Coble.

Senate District 22 may be the most competitive district in either chamber for both parties. Two Democrats and four Republicans will chase a seat considered leaning toward the GOP.

Former 10-year House member Jimmy Love will compete for the Democrat nomination against former state Sen. Wanda Hunt.

Former state Reps. Bobby Ray Hall and Teena Little, Harnett County Commissioner Tim McNeill, and Republican Party activist Harris Blake are all pursuing the GOP nomination.

Sen. Bill Purcell will defend his solidly Democratic District 25 seat against former state Rep. Donald Dawkins, who served as a Democrat from 1985 to 1992, but is now a Republican.

Democrat Sen. Kay Hagan is opposed by former state Sen. Mark McDaniel, who previously served as a senator from Forsyth County but now lives in Greensboro.

Sen. Katie Dorsett, D-Guilford, is challenged in District 28 by Mike Causey, who was the GOP candidate for state insurance commissioner in 2000.

Former state Sen. Don East of Pilot Mountain will challenge Republican Sen. John Garwood in District 30. In Asheville, former Republican two-term Sen. R. L. Clark is challenging Sen. Steve Metcalf for the District 49 seat — a race that should be close.

"I'm very optimistic about the district," said Clark, who lost the last two campaigns in former two-seat districts to Metcalf and Charles Carter. "It's very compact now. I can go door to door and do talk radio."

Senate District 41, a Republican stronghold, has no primaries and will look to a race between GOP candidate R. B. Sloan, former chairman of the Iredell Board of Commissioners, and Democrat Victor Crosby.

Sen. Austin Allran of Hickory, who served three terms in the House and eight in the Senate, will be up against Hickory's former mayor of 20 years, Bill McDonald, in a Republican primary.

Seeking the House

On the House side, Hickory Mayor Pro Tem Hamilton Ward will challenge Republican Rep. Mark Hilton in the 88th District.

Republican Monroe Buchanan, who came under heavy fire for not supporting the GOP caucus on several key votes last session, will be challenged in the 84th Dis-

trict by Republican Phillip Frye, mayor of Spruce Pine.

Also, Alexander County Sheriff Ray Warren will challenge fellow Republican Edgar Starnes, who holds the 87th House seat.

An open seat in District 95 will be contested by two Republicans: former Rep. Robert Brawley, who served from 1980 to 1998, and Mooresville's Karen Ray, an Iredell County commissioner.

House Minority Whip Frank Mitchell will defend his 96th District seat against former Democrat House member Bill McMillan of Statesville.

District 85, a district that should lean toward GOP incumbent Mitch Gillespie, will feature a challenge from Democrat Everette Clark, the mayor of Marion.

Former eight-term Republican Rep. Charlotte Gardner will attempt to recapture the Rowan County seat she lost in 2000 to Democrat Lorene Coates.

Gardner must first win a primary against Lynn Dula of Salisbury.

Former Greensboro City Councilman Earl Jones is among the Democrats seeking victory for an open District 60 seat.

Rep. Shelly Willingham, who was appointed to replace former Rep. Toby Fitch, will defend his District 24 seat against three other Democrats including Wilson City Councilman A. P. Coleman.

In what should be a wide-open race in District 16, four local Pender County elected officials will run.

Three Democrats: F. D. Rivenbark, Dwight Strickland, and Jack Barnes, and Republican Carolyn Justice (who has a primary opponent in David Greene) are the candidates. Rivenbark, Strickland, and Justice are county commissioners, and Barnes is a former Topsail Beach official.

Republican Sen. Hugh Webster, defending District 24 in which his party is outnumbered in voter registration by 52 percent to 32 percent, will face Democrat businessman Bill Powell of Burlington.

The House has several competitive open seats. District 34 in Raleigh features three Republicans — Don Munford, Al Nunn, and J. H. Ross — competing in the primary for a chance to run against Democratic newcomer Julie Paul in November.

At least three House Republicans may have difficulty keeping their redrawn seats. Rep. Mia Morris's Fayetteville district became less favorable for her, opening the way for Democrat and retired radio executive Margaret Highsmith Dickson to mount a strong bid to unseat her.

Rep. Mark Crawford, who was appointed to replace Lanier Cansler, must run a strong campaign in order to win a race considered to be a toss-up. Marge Carpenter, R-Haywood, also faces difficult odds.

Even more House Democrats, however, are considered to be in danger. Among them are Appropriations Chairman David Redwine. Others are Alice Underhill, Russell Tucker, Phil Baddour, Alex Warner, Jennifer Weiss, Hugh Holliman, Maggie Jeffus, and Walter Church.



Rep. Frank Mitchell



Rep. Jean Preston

Around the State

• The *Winston-Salem Journal* reported that the first August weekend's sales tax holiday, in which North Carolina consumers were absolved from the state's 6 1/2 percent sales tax on back-to-school purchases, wasn't necessarily a great deal.

The story cited the research of David Brunori, an editor for *Sales Tax Notes*, which tracks state tax policies, and studies by a University of West Florida professor. Brunori said, "People rush to the stores. The laws of supply and demand then dictate that the prices go up. You save 5 or 6 percent on your sales tax, and you're paying 10 percent more for the underlying product."

• Gov. Mike Easley's order to hire 1,200 teachers for a More at Four program and additional teachers may have unintended consequences.

The Statesville *Record & Landmark* reported that public school officials in Iredell County worry that layoffs or a lack of space will be caused by the addition of More at Four teachers. They expect cuts in other areas such as textbooks or other jobs to make up for the additional cost.

The officials also said the order will require more classroom space in already crowded schools, and more furniture.

Person County school leaders are concerned that its "Support Our Students" program, which they say has increased end-of-grade test scores for at-risk 12- to 14-year-olds, is expected to receive a 36 percent cut in state funding. The program offers tutoring in math and English, and homework assistance. Reported by the *Roxboro Courier-Times*.

• Most Democrats in the General Assembly support some increase in the state cigarette tax, but the *Winston-Salem Journal* reported last week that a significant number from the party, mostly representing eastern counties, aren't on board with the idea.

Rep. Nelson Cole of Rockingham County said at least 10 Democrats oppose an increase, the newspaper reported. "A vast number of smokers are low-income," Cole said. "I view it as a tax that unfairly impacts the lower-income population."

Other Democrats oppose the tax because they represent large tobacco growing and manufacturing counties.

• A publication called the *Arab News*, which claims to be "Saudi Arabia's first English language daily," published a report June 28 about the activity of The Islamic Center of the Triad in Greensboro.

The article claimed "the immigrant community in North Carolina has taken a proactive role in devising a program to respond to the daily attacks on Islam which the media are carrying out."

It also said the Center's Imam Badi Ali "has built a good relationship with the local media and works around the clock to respond to news coming out of the Middle East." The article detailed the center's call to influence public opinion. *CJ*

CNN, NBC, Fox News question North Carolina's plan

Networks Focus on Misuse of Tobacco Funds

By PAUL CHESSER
Associate Editor

RALEIGH

First it was addressed on MSNBC's "The Abrams Report" and Fox News Channel. Then ABC's "Good Morning America" ran an in-depth segment on the story.

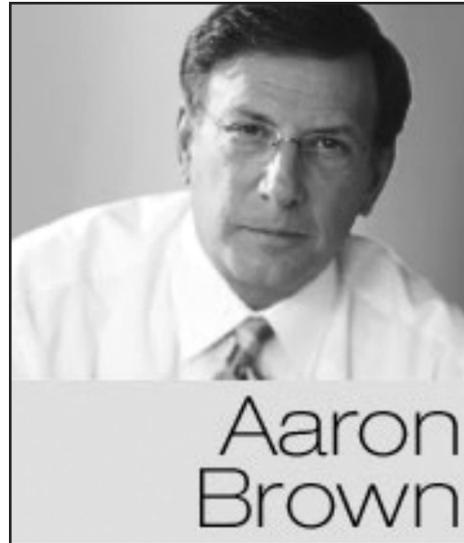
At the end of July, CNN and "NBC Nightly News with Tom Brokaw" reported the controversy over how states, and particularly North Carolina, have misused money won in the 1998 tobacco lawsuit. Forty-six states settled for \$246 billion from the tobacco industry because of health-related costs they incurred for the care of smokers.

The national news organizations have discovered that several states, rather than using the money to offset health costs related to smoking or campaigns to prevent smoking, have instead used the revenue on questionable projects.

On July 22 CNN's "NewsNight with Aaron Brown" (which airs in prime time at 10 p.m.) zeroed in on projects in New York and North Carolina as examples where tobacco settlement money was misused.

"No one really believed the states would spend all of their billions on health care and anti-smoking ads," Brown said, opening the segment. "Politicians and the tobacco industry didn't believe that, and I guarantee you reporters who covered the story didn't either."

"But golf courses?" wondered Brown, referring to New York's Niagara County public golf course, which received \$450,000 in tobacco settlement money for two capi-



tal projects.

"Those eyeing what became known as the Master Settlement Agreement back in 1998 hoped the public health initiative would become as habit-forming as tobacco itself," Brown said.

"Of the estimated \$30 billion handed out to date nationwide, experts say a little more than 5 percent — 5 percent — has been used toward tobacco prevention," he said.

Later in the segment Brown turned the focus to North Carolina. He said the state's allocation of funds to cut teen smok-

ing "falls way short of what needs to be done," according to "critics."

"There is also a lawsuit which has been filed against the state for the way it's distributed millions of the big tobacco settlement dollars," Brown said, adding, "mon-

"I assume you find it a little galling...that North Carolina spent it on a tobacco processing plant." — CNN's Aaron Brown in an interview

Locke Scholar Discusses Founders' Founder

By PAUL CHESSER
Associate Editor

RALEIGH

An adjunct scholar for the John Locke Foundation since it began in 1990, George Stephens was an appropriate author to write a book on John Locke. He spoke at a luncheon sponsored by the Foundation July 24.

His book, *Locke, Jefferson, and the Justices: Foundations and Failures of the US Government*, introduces Locke as the philosopher from whom the Founding Fathers drew their governing principles in establishing the United States of America. He calls Locke "the Founder of the Founders."

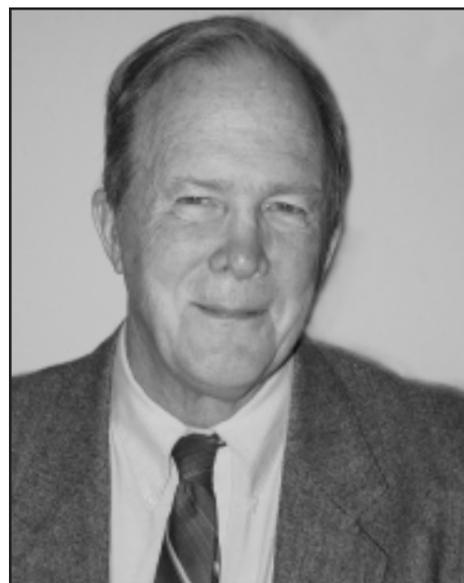
"He was our political philosopher," Stephens said.

The theme of Stephens's book is that even today Locke is the basis from which our laws must be interpreted.

"Locke's principles and the Common Law are written into the Declaration of Independence and the Constitution, especially in its Bill of Rights," Stephens writes. "They are the foundation of the supreme law of our land, so the laws passed under it must reflect his principles, and judicial interpretation must give deference to them."

Stephens's luncheon speech followed the outline of his book, beginning with Locke's background and writings, then explaining Thomas Jefferson's "discipleship" from Locke and implementation of those standards at the founding of the country.

"[Jefferson] knew Locke's phraseology



Author George Stephens

by heart in 1776, when he incorporated it into the Declaration of Independence," Stephens said. "He took Locke's ideas for granted, as did his contemporaries."

Creation of American government was most influenced by Locke's *Second Treatise of Government*, which he wrote in near-exile in Holland after writing critically about "royal policies" in England. Stephens writes that "our theory of rights was developed in it," and especially Locke's views on religious tolerance "are echoed in our founding documents."

"For Locke, Christian ethics was natural

ies in part that went toward the funding of an equestrian center and a tobacco processing plant."

As reported by *Carolina Journal*, the Golden LEAF Foundation, established by the state to distribute half of North Carolina's settlement for economic development in "tobacco dependent" communities, gave the Five Points Horse Park in Hoke County \$200,000. It also provided \$400,000 for a tobacco processing plant's water and sewer lines in Nash County.

Brown said Gov. Mike Easley provided a statement to "NewsNight" that said "he's disappointed with the way some of the money has been spent, notwithstanding some investments that have helped attract good jobs to North Carolina."

Brown interviewed Mississippi Attorney General Michael Moore, whom Brown said "spearheaded the tobacco settlement." Brown asked Moore whether it was realistic to expect states to spend all the settlement money on tobacco prevention and health programs.

"Yeah, of course, you know, we didn't sue to build highways," Moore said. "We sued because tobacco kills more people than anything else in this country."

"I assume you find it a little galling to know that North Carolina spent it on a tobacco processing plant," Brown said.

Moore said, "Yeah, my friend Mike Easley up there of course was very helpful to us with this tobacco settlement, but he's having some tough times, and the tobacco lobby is pretty strong...up there in tobacco land in North Carolina."

"Yeah, that's a little galling," Moore said. "I mean, we don't need to do anything to help the tobacco companies. Believe me, they have plenty of money. So I wish they wouldn't do things like that. That's kind of crazy." *CJ*

ethics. The teachings of the Gospel, for example loving God and one's neighbors, were to be followed not just because Jesus said so, but because they promoted one's happiness."

Stephens writes that Locke was "very religious" and found that religious tolerance "promoted political and economic unity." Those views were expressed in Locke's "Essay Concerning Toleration" and "Letter Concerning Toleration," and Stephens said that "our rights of free speech, press, and assembly stem at least in part from" those essays.

Locke is also known as the mind and author behind the establishment of the government of Carolina. Stephens writes that in 1699 Locke "contributed to or perhaps wrote all of 'The Fundamental Constitutions of Carolina.'" The reason for Stephens's doubt is that the "Constitutions" created a serfdom, which was "antithetical to [Locke's] other writings, whereas the sections on religious toleration sound like him." Stephens considers whether Locke "was ordered to write the untypical part, or if perhaps he did not write it."

Stephens's book traces the history of American individual rights in the light of its founding historical documents, which were fortified by Locke's philosophical brain power. While some of those rights were lost in the early 20th century, Stephens said "Locke made a comeback" in the late 1970s through tax cuts advocated by Jack Kemp and Ronald Reagan's presidency. *CJ*

ECU students working on business plan**TransPark Officials Overstate Financial Obligations to U.S.**By DON CARRINGTON
Associate Publisher

RALEIGH

N.C. DOT officials overstated potential financial obligations in a report on the Global TransPark released in late July, federal officials say.

The report claimed that if the state did not spend an additional \$2.9 million on capital costs for the runway completion, the state might have to pay back the Federal Aviation Administration as much as \$33 million and may also have to forfeit \$14 million in annual statewide airport grants.

Federal airport grants to North Carolina fall under the authority of the FAA Airports District Office in Atlanta. Manager Scott Seritt told *Carolina Journal* that there appears to be a lot of misinformation being disseminated about the GTP in Kinston. He said no grants need to be repaid as long as the airport remains a public facility. The airport, he said, could be transferred from the GTP to another government organization, such as a Kinston-Lenoir County Airport Authority.

He also said North Carolina is not in any danger of losing \$14 million in annual federal statewide airport grants that Department of Transportation officials said were at risk.

"Those grants are not tied to the GTP," Seritt said.

"We believe the GTP runway can be open and operational at this time without

additional funds from the state," he said. DOT public information officers could not be reached for a response to the FAA statement.

The DOT report also mentioned an obligation to the U.S. Army Corps of Engineers to spend \$4.5 million for remaining environmental impact mitigation. The environmental impact statement permitted 6,000 acres of land for development, including 1,500 acres of land that the state owns at the GTP. The document said the cost to complete the environmental commitments, including wetland mitigation, is \$4.5 million. "If the state chooses not to complete the mitigation of the GTP, it will lose its permit with the Corps of Engineers and its credibility with the Corps, EPA, and DENR, as well as the environmental groups across the state," the document said.

But David Franklin, of the Corps' Wilmington office that issued the environmental permit, told *CJ* the state could apply for a modification.

He said wetlands restoration was needed only for work that was already completed, such as new roads and the runway itself. He said there is no need to mitigate wetlands damage for the numerous manufacturing facilities that have not been built. He said the amount of mitigation that has been completed needs to be determined and matched to actual damage.

The DOT report pointed out \$11.2 million in principal and \$2.5 million in interest

that the GTP borrowed from the state Escheat Fund. The loan still remains a sticking point for state officials to resolve. State Treasurer Richard Moore told *CJ*, "We consider this to be an official and enforceable loan. So far, there has been no breach of the terms of the loan, and we do expect repayment."

Interns develop business plan

Another plan to keep the GTP alive was unveiled July 25 at a forum in Greenville.

Isaac Manning, a consultant hired by the GTP Foundation, told a select group of invitees to the forum that a team of five college students is developing a business plan for the project.

The students working on the project also doubled as well-dressed parking attendants who greeted the invitees in the parking lot before the event, forum attendees interviewed by *CJ* said. The students are from East Carolina University and two other state universities.

Started in the early 1990s, the GTP was meant to become a futuristic manufacturing and transportation complex that would give factories access to large airplanes and world markets. The emphasis was on just-in-time manufacturing. Since its inception, the project has failed to attract any new manufacturing facilities.

The meeting was sponsored by ECU Chancellor William Muse and N.C. Department of Transportation Deputy Secretary

Gene Conti. Conti is also vice chairman of the GTP Authority.

According to the invitation, the meeting was labeled a "public forum to discuss the GTP," but all the panelists were strong supporters of the GTP.

There were no panelists calling for the project to be shut down. About 60 people attended. They were either public officials or business leaders from the 13-county GTP region.

Manning was an official with the Alliance Airport in Fort Worth, Texas. Two attendees told *CJ* they learned that Manning is being paid \$15,000 per month by the GTP Foundation.

"When I came here I asked for a business plan. We're making one. It will have what the TransPark can do, what the product is, what we can sell, and when we're done, we're going to take it up to Raleigh and answer the question everyone has been asking, which is how can this project make money and start to turn around," Manning said, as reported by *The Free Press* of Kinston.

Both Gov. Mike Easley and the N.C. Senate have proposed only \$1.6 million in funding for the GTP this year. The House has yet to make a proposal.

Rep. Nelson Cole, D-Rockingham, told *CJ* he was frustrated with the lack of progress at the GTP. Five years ago he began asking GTP officials for a business plan. Cole is chairman of the House Appropriations Subcommittee on Transportation. *cj*

Equal opportunity advocate wants privacy**Collection of Racial Data Useless, Connerly Tells Locke Audience**By PAUL CHESSER
Associate Editor

RALEIGH

Ward Connerly, known for leading the effort that successfully removed racial preferences in California government and education, has begun his second battle in pursuit of a color-blind America.

Connerly spoke at a John Locke Foundation luncheon June 25 in Raleigh, and explained his advocacy for the sequel to Proposition 209, called the "Racial Privacy Initiative."

Whereas Proposition 209 by popular vote in California eliminated race-based "affirmative action" in public education, contracting, and employment, the RPI would prevent state government from collecting personal information about race.

"The time has come for us to revisit what we call race," Connerly said. "If you can't have preferences or discriminate, why do you need the information?"

Connerly began pushing Proposition 209 in 1995 as a member of the University of California Board of Regents, after he persuaded a majority of the board to end the university system's use of race as a means for admissions. The proposition passed in 1996 by a 54 percent to 46 percent ratio.

RPI will appear on the March 2004 primary ballot. California state and county agencies certified that more than 670,000 names on a petition submitted by Connerly are legitimate. He delivered 980,000 signatures in April.

"It's going to be a hotly contested initiative," Connerly said in an interview before the luncheon.

In fact, he expects so much more vehe-

ment and powerful opposition to RPI than Proposition 209, that he will need the time to gather financial and grass-roots support for 2004. Connerly said teachers' unions, the NAACP, ACLU, the Mexican Legal Defense Fund, the Latino Caucus of the state legislature, and environmentalist groups are uniting to fight the measure. He said such formidable foes could raise significant money quickly, and waiting until 2004 would give RPI a better chance for passage.

"I don't believe we can match them 10 cents on the dollar," he said.

Connerly said minorities, especially blacks, need to stop thinking of themselves as "hyphenated Americans," citing Jesse Jackson's coining of the phrase "African-Americans."

He said that identifier, plus the growth of multiculturalism, "gave schizophrenia to black Americans."

"Many accept the left side of that hyphen, rather than the right side of that hyphen," Connerly said.

He said the "American creed" established by the Founding Fathers determined that "we will all come here from around the globe...and become 'Americans.'"

Connerly said RPI would prevent "all of these bureaucrats" from asking citizens to provide race information by checking boxes on government forms.

He said race categories have grown from "five to 63 boxes," because the nation has become such a melting pot as the result of reproduction across traditional races. Keeping data on race exists only to maintain the divisive interests of increasingly smaller groups, he said.

"It is fundamentally un-American," he said. *cj*

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North Carolina CSE members protest state tax increases at a rally in Raleigh.

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School Reform Briefs

•North Carolina State Board members are required under the No Child Left Behind Act to define a dangerous school and offer transfers to students attending the schools. But some critics question whether the state's definition is too lenient.

In North Carolina, if a school has five or more violent incidents per 1,000 students, a state team will visit, and the State Board of Education will vote whether to classify the school as "persistently dangerous."

But is the definition strict enough? The list of violent crimes defined by the board included an assault causing serious injury, robbery, and sexual assaults. It does not include possession of a weapon, firearm, or drugs. These less serious crimes accounted for 6,789 of the 7,586 incidents reported on the state's 2001 school-crime report.

With the current definition, only 21 schools in the state would qualify last year as persistently dangerous schools. Five of the schools are located in Mecklenburg or Union County. The 21 schools are:

Caldwell Gateway, Caldwell Co.
Neal Middle, Durham Co.
Forsyth Vocational High, Forsyth Co.
Greene Co. Middle, Green Co.
Mulberry St. School, Iredell Co.
Lewis Center, Lenoir Co.
Jamesville High, Martin Co.
Coulwood Middle, Mecklenburg Co.
Eastway Middle, Mecklenburg Co.
West Middle, Montgomery Co.
Emma B. Trask, New Hanover, Co.
Swansboro Middle, Onslow Co.
Pender Co. Alt., Pender Co.
Leak Street, Richmond Co.
Rohenen JHS, Richmond Co.
Orrum Middle, Robeson Co.
Monroe Middle, Union Co.
Monroe High, Union Co.
South Providence, Union Co.
North Garner Middle, Wake Co.
Speight Middle, Wilson Co.

As reported by the *News & Record* of Greensboro.

•Guilford County school officials have decided it's time to ensure all students reach grade level. Struggling students will now have to stay after school three days a week for tutoring.

This is the first time the program is mandatory. Officials predict that 6,000 students will stay after school this fall.

Associate Superintendent Chuck Morris told the *News & Record* of Greensboro, "If you want to catch students up and close the gaps, you have to extend the school day."

Students will be expected to stay an extra 90 minutes after school on Mondays, Wednesdays, and Thursdays beginning the second week of September. After-school tutoring will not finish until early May when students take the state's end-of-grade tests.

District officials hope the efforts will help schools meet new federal regulations. The No Child Left Behind Act requires schools to have all students at grade level. Scores are split into nine racial and socioeconomic subgroups to ensure no group of students is failing to make significant progress. CJ

Vouchers Constitutional, High Court Says

U.S. Supreme Court upholds the right of educational choice for parents

By BRIAN GWYN
Editorial Intern

RALEIGH

School vouchers are part of a growing school reform movement. Voucher programs allow parents to apply their tax dollars to private schools, providing more choice where their children go to school. The newest development in this idea is the U.S. Supreme Court ruling in June upholding the voucher program in Cleveland, Ohio.

In 1996, only one in 10 Cleveland City School District ninth-graders passed a basic proficiency exam. In that same year the district failed to meet any of the state's 18 minimum standards for acceptable performance.

Sensing a state of education emergency, policymakers implemented Cleveland's voucher program in the 1996-97 school year.

The money in the program is distributed on the basis of income. Here are the rules: Families with incomes below 200 percent of the poverty line have first priority of receiving up to \$2,250 in private school tuition. All parents have to help pay the tuition. Families with incomes below the 200 percent poverty mark are not required to copay more than \$250. Families with higher incomes have no specified limit on their copayment amount. The school district gives the parents a check, which they can apply to their chosen school.

Since 46 of the 56 participating schools are religious, the issue at hand was whether the voucher program violates the Establishment Clause of the First Amendment. In a 5 to 4 decision, the Supreme Court said no.

In the majority opinion, Chief Justice William Rehnquist wrote that "the Ohio program is entirely neutral with respect to religion...It permits such individuals to exercise genuine choice among options public and private, secular and religious."

The decision clears up years of ambiguity regarding the use of school vouchers. Opponents of vouchers were quick to use the First Amendment challenge as a way to have courts intervene any voucher program. Now, with that avenue eliminated, proponents say there will be more talk about the benefits and costs of voucher programs.

Reaction in North Carolina

After the Supreme Court's ruling came down, supporters in several states, including Texas, California, Colorado, Washington D.C., and Pennsylvania, pledged to work toward new voucher plans. In North Carolina, however, there has been no significant movement for vouchers.

Some reject the indications of improvements in other states and say vouchers are a weak solution to the state's education woes. Critics say vouchers pull the best students out of the public schools, called a "creaming" effect, and divert resources that should be spent improving public schools.

The accusations, however, are unfounded. According to a study by the RAND Corporation in 2001, schools that accept government-funded vouchers in other states tend to serve higher at-risk populations than traditional schools do. Further, parents are more satisfied at these schools and student achievement improves after just one year.

Phil Kirk, chairman of the N.C. Board

of Education and president of the state's equivalent of a chamber of commerce, was also quoted in *The Charlotte Observer* as saying the state's business community opposes vouchers on the ground that "strong public schools [are] a better way to build the work force."

However, according to a survey by the N.C. Alliance for Smart Schools, 66 percent of business executives in North Carolina favor scholarships or tax credits for students to attend private schools.

One drawback to local action may be the state's education funding formula. The formula may make it difficult for school boards to initiate reforms; North Carolina relies heavily on state funds for education.

According to the Department of Public Instruction, the state pays for almost 70 percent of the education costs in North Carolina. Local governments contribute less than 25 percent.

States such as Ohio, Florida, and Wisconsin all have voucher programs. Ohio pays only 41 percent, Florida 51 percent, and Wisconsin 56 percent of their states' education costs. The states depend much more on local control and local solutions.

Still, some N.C. legislators think the court's decision is a step in the right direction.

"It gives a green light to states who want to find better solutions for education," said Senate Minority Leader Patrick Ballantine, R-New Hanover, "but first we need to build a consensus with the large groups who are opposed to change."

School-choice supporters such as Lindalyn Kakadelis, director of the North Carolina Education Alliance and the Children's Scholarship Fund of Charlotte, think some sort of scholarship program would greatly benefit children in the state.

"As in Cleveland, communities in North Carolina should be able to offer scholarship assistance to disadvantaged children so then can get the sound, basic education they deserve," said Kakadelis. "When schools compete — kids win!"

Private school climate in N.C.

In order for vouchers to even become an issue in the long run, private schools must be willing to accept them. Some private schools in other states have been reluctant to participate in voucher programs because they could include government restrictions, which is exactly what they want to avoid.

Private schools are free from much of the bureaucratic red tape that plagues public schools.

Accepting vouchers could mean participating private schools would have to submit to some of the regulations in order



CSE activists rally for school choice in front of the U.S. Supreme Court

to be considered for "government" funds.

Religious schools in particular feel that their ability to incorporate faith into the classroom would be hindered if important distinctions are not made about the vouchers.

Dr. Joe Haas, executive director of the North Carolina Christian School Association, praised the Supreme Court ruling as a good first step but noted that if vouchers are to ever come to North Carolina, it must be clear that the money goes to the parents rather than to the school. Once that distinction is made, he said, it will be no different than other current programs.

"It's amazing that we can't trust parents, but we trust people with food stamps and the G.I. Bill," Haas said.

Is constitutionality still an issue?

Education officials in Kentucky have argued that the Supreme Court's decision bears little significance because many states have constitutional restrictions on money going toward private schools.

Kentucky's constitution, in particular, states, "No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school."

Some might point to N.C. as being a state that prohibits money going to private schools as well. The N.C. Constitution is not as direct as Kentucky's, since it says only that money shall be "used exclusively for establishing and maintaining a uniform system of free public schools."

Still, the wording could have vouchers interpreted as deviating from the funding of public schools.

This excerpt does not provide a complete picture of North Carolina's constitutional attitude towards religious education.

The state constitution goes as far as saying that, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged."

As Haas pointed out, the question could be averted entirely if the state chooses to enact a law specifying that the money goes to the family rather than to the school.

"If vouchers go to the parents, there are fewer complications," Haas said. "If there are those who are willing to listen, we'll see how it goes." CJ

Most high schools have long class periods**Block Scheduling, the Latest N.C. Rage**

By SHERRI JOYNER

Assistant Editor

RALEIGH

Through the mid- to late 1990s many North Carolina high school principals chose to switch their schools to "block scheduling." The change gave teachers 90-minute class periods instead of the traditional 45 minutes.

Today, 73 percent of all high schools in North Carolina are block-scheduled, a far cry from the six high schools, or 1.6 percent, that were block-scheduled 10 years ago.

"Principals really wanted the longer class periods," said Gengshu Zhang, senior evaluation researcher with the N.C. Department of Public Instruction. A 1997 survey of 25 blocked-scheduled high schools in North Carolina conducted by DPI found that principals chose the system because it offered "a greater variety of courses, greater focus on fewer courses each semester, and the ability to retake failed courses immediately."

Despite its popularity, the reform draws mixed reviews from a number of studies. A new study by Iowa State University and administrators of the ACT found that student achievement may actually be impaired by certain models of block scheduling. The series of joint studies, conducted by Donald Hackmann, associate professor of educational leadership and policy studies at Iowa State and a research team, concentrated on high schools in Iowa and Illinois.

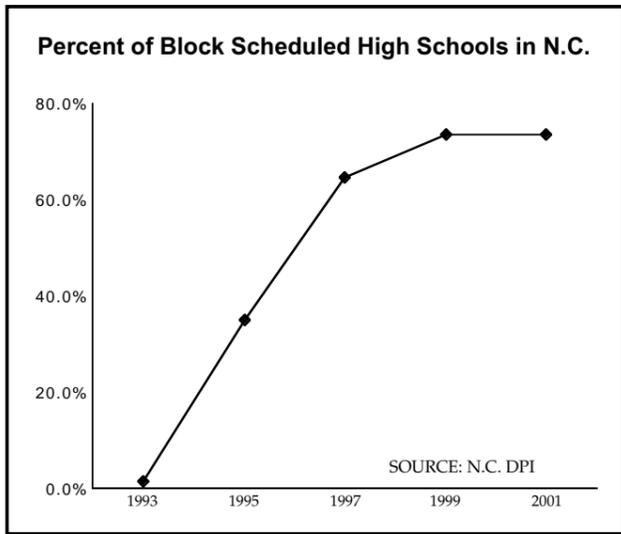
Other studies have also questioned the system of rearranging class time. In 1999, the Texas Education Agency released a study of block scheduling in Texas high schools that found no proof the system improved student learning.

Mixed results were reached in several studies of North Carolina high schools. Overall, block scheduling made no difference in performance for most subject areas, except in Algebra I where block-scheduled schools outperformed tradition public schools, Zhang said.

For most subjects, however, the change had negative impacts before adjusting for student differences such as race or parental education. "Without adjusting for differences, students in traditional schedules score higher on English, biology, and history," Zhang said. The differences disappeared once adjustments were made. These same studies by DPI also found that principals and teachers are generally satisfied with many aspects of block scheduling.

Different types of blocks

There are two basic models most schools use. The most common, known as the 4 x 4, requires students to take four classes a day for a semester. The next semester they students move on to four new subjects. In North Carolina, Zhang estimates 85 to 90 percent of block-scheduled schools



operate on this model.

Schools also can use an A-B-A-B model. In this system, students still have four class periods a day, but alternate to a different four classes the next day.

The 4 x 4 system receives the most criticism, mainly because it leaves large gaps between studies. For instance, a student who takes geometry in the fall may not have another math class until the following fall. The Iowa study found that schools using a 4 x 4 schedule showed performance declines in ACT scores.

DPI recognizes the problems with a 4 x 4 schedule and recommends that schools pursue an A/B block schedule or a mix of the two. All Charlotte-Mecklenburg high schools operate on an A/B schedule.

"It comes up every once in a while that we could switch to a 4 x 4 schedule," said Kevin Carr, assistant principal of E. E. Waddell High in Charlotte. "But then someone remembers the controversy over decreased scores on standardized tests and the 4 x 4 schedule."

Weighing the costs and benefits

The lengthening of class periods has pros and cons. Students can take fewer classes in one day, but the longer class periods allow for more group work and discussion in the classroom. Carr also noted that longer class periods are especially helpful for science labs. Teachers also have to work with fewer students each day under a block schedule.

But students commonly complain that longer classes make school more boring. It can also be harder for some students to make up missed work. Some teachers aren't prepared, either, to teach longer class periods. Some question whether the system lowers standardized test scores. *CJ*

Manning orders harsh measures**State Ignored School Ruling, Judge Says**

By SHERRI JOYNER

Assistant Editor

RALEIGH

In a letter delivered to the Deputy Attorney General's Office, Wake County Superior Court Judge Howard Manning denounced the state for failing to "do little, if anything, in order to comply" with the court's orders to provide all students in North Carolina with a sound basic education.

Manning ruled April 4 that the state must file a written report with the court every 90 days on actions taken to ensure all children in every district (including Hoke County — the plaintiffs in the case) are provided with a sound basic education.

After receiving the state's first report, Manning responded with a 12-page letter blasting the state's inadequate efforts and referring again to his decision made in April.

In his letter, Manning said, "The bottom line is that the state of North Carolina has consistently tried to avoid responsibility for the failures to provide at-risk students with the equal opportunity for a sound basic education in LEAs (districts) throughout the state by blaming failures on lack of leadership and effort by the individual LEAs."

Demonstrating a tone of displeasure, Manning also said it is time for the state to "roll up its sleeves" and "step in with an iron hand" to "straighten up the mess," suggesting the state may need to remove ineffective teachers, principals, or superintendents.

Manning reiterated that the state should implement successful strategies with "resources currently available to public schools" and should require all LEAs to "maintain cost-effective, successful educational programs."

The only positive statement by Manning was that Gov. Mike Easley's More at Four prekindergarten program complies with the court's ruling and should be pursued. He did not mention the need for a lottery to fund the program.

Manning concluded that "from the state's report it appears that nothing concrete has been done whatsoever to assist HCSS (Hoke County School System) or any other school system in need of assistance from the State...to improve the educational opportunities for at-risk children."

Before making any final decisions, Manning ruled that the state has 10 days to say whether it miscommunicated in its report and has indeed been in contact with HCSS and other plaintiff school districts, or to come up with a new plan. *CJ*

**True or False:
N.C. Best in Tests?**

In June, *The Princeton Review* released a report, *Testing the Testers 2002*, ranking each state's accountability system. News quickly spread that North Carolina ranked No. 1 for having the best testing program in the country.

This announcement was a surprise to many who consistently deal with issues surrounding the ABC's, North Carolina's accountability program. How is it that we are first? *The report ignored whether our tests are actually reputable.*

The executive summary states the study was not concerned with state standards or academic rigor. The report studied the "accountability system" as a whole. But looking at the accountability system without looking at the specific standards and the rigor of the test is like evaluating a car repair shop without looking at the quality of the repair work or whether the cars actually ran!

Lindalyn
Kakadelis

There were four criteria with 25 factors reviewed in the report. North Carolina scored a perfect 2 points on 21 of the factors considered, and only scored a one or zero on four. Criterion No. 1 evaluated whether the tests were aligned to the state curriculum. North Carolina made a B+ on this first major criterion. While our state scored high, there are questions surrounding the accuracy of the evaluation. The Standard Course of Study in Language Arts changed two years ago to include phonics, but the state assessments have not changed.

Criterion No. 2 evaluated whether the tests are able to determine if the curriculum standards have been met. North Carolina made a perfect score for every indicator. Did the authors of the report miss the questionable testing debacles we've had in the last two years? There wasn't a single mention of the fiasco in 2000-2001 regarding the extremely low proficiency level of the math test. Now, with all the problems in this past year's writing assessment — *The Princeton Review* needs to come back to review.

Criterion No. 3 evaluated the openness and ongoing improvement of the state assessments. North Carolina made a B. The report scored N.C. lower in this category because contracts with testing companies are not open for review. Yet, the report ignored other factors. Our test is not open, even parents cannot review the assessment. Texas received the same score as N.C. However, after the test is administered in Texas it is released for public review. I also question the disparity between the ABC tests and more-recognized national tests. The National Assessment of Educational Progress 1998 reading scores reported 28 percent of students at proficient level in N.C., while the state end-of-grade tests reported 69.8 percent of students were proficient.

Criterion No. 4 assessed whether the accountability program moves the state forward toward its goal for academic progress. There are concerns whether the increase of academic growth is as dramatic as the public is led to believe. The disparity in performance for certain groups of students persists, and the State Board continues to study the situation.

The federal No Child Left Behind Act mandates that each state develop an assessment program that involves testing students and releasing the results on a school-by-school basis. *Testing the Testers* takes many of these mandates and checks to see if states have begun what will be required. North Carolina did well on this study because we have a strong standards and accountability program and a State Board of Education that is trying to move us forward. The information on the report is interesting, and the state is moving in the right direction. The difficulty is whether North Carolina is above all other states, and that is questionable.

The report can be found at www.review.com/stateStudymsg.cfm. *CJ*

School Reform News From Across the Nation

National List of Failing Schools

U.S. Secretary of Education Rod Paige recently released a nationwide list of 8,652 failing schools. The *No Child Left Behind Act* allows students to choose a higher-performing school as early as this fall, if they attend a school that has been deemed failing for two consecutive years.

"This is a news day in education and opportunity for the nation's neediest children," Paige said. "For the first time, school districts must tell, and parents will know, which schools are not making sufficient academic progress."

School districts will be required to pay transportation costs for students wishing to transfer schools.

Many states are worried about changes the law may bring. Illinois has 435 failing schools and it is estimated that more than 150,000 students are eligible for transfers. *The Chicago Tribune* reports that thousands would have to be bused into different school districts or moved into schools barely better.

California and Michigan each had more than 1,000 failing schools. Some states, including Arkansas and Wyoming, reported none.

The U.S. DOE warns against making comparison between states. "Because of the differences in the ways each state defines school progress, state comparisons are not valid," the news release said.

Some groups have questioned whether some state's standards are too lenient. The Center for Education Reform also found that Maryland school districts have discouraged public choice in the past by promising parents continued improvements and telling them they will miss out on new programs.

Foundations yank school funds

Three foundations, the Pittsburgh Foundation, the Heinz Endowments, and the Grable Foundation, indefinitely pulled funding from the Pittsburgh school district, citing their loss of confidence in the district's leadership. The three groups have awarded the district \$11.7 million in the last five years.

Officials from the foundations say they wanted to make a public statement, hoping their decision will be a catalyst for community leaders and residents to push for a change in how the school district is managed.

Susan Brownlee, executive director of the Grable Foundation, called the decision wrenching. "The Pittsburgh Public Schools in the largest beneficiary of Grable funding... But from an investor viewpoint, you just can't justify it."

The foundations notified the district of their decision in a letter.

"The board is divided, the administration is embattled, key personnel are leaving or under attack, and morale appears to be devastating low," the letter said.

School board President Jean Fink was upset over the decision by what she characterized as a strong-arm tactic.

"I can't tell them what to do, and they shouldn't tell me what to do. They shouldn't use money as a threat," Fink

said. "I don't like being blackmailed."

Immediately, more than \$3.5 million that had been approved but not yet paid out has been put on hold. The foundations will resume funding once they see enough progress has been made.

District board members Randall Taylor and Alber Fondy say they understand, but think the foundations may have gone too far. Taylor, part of the board's minority faction, has clashed with Fink and called for her resignation — an idea

that Fink quickly rejected.

Officials with the foundations were particularly upset with the departure of two Literacy Plus program leaders. The reading program has received heavy support from the foundations. As reported by the *Post Gazette*.

State eliminates race as factor

The Florida Department of Education has eliminated race as a qualification for admission into gifted classes. Until recently, any student whose IQ is 130 or higher is admitted into the schools' gifted programs. Black and Hispanic students in Broward County have been admitted with an IQ of 116 or higher to encourage diversity.

The change was in part due to a response from parents claiming the two-tiered system was unconstitutional. Students with a lower IQ will still be eligible for gifted classes if they are from a low-income background, or if they have limited English skills. As reported by the *Miami Herald*.

Scores soar at same-sex classes

Moten Elementary School officials in Washington, D.C. report large increases in the number of student scores in the highest categories — "advanced" and "proficient" — on the Stanford 9 test. Reading scores jumped from 49 percent to 88 percent in one year, and math scores jumped from 50 percent to 91.5 percent.

The increases have put Moten, a Southeast Washington school where more than 98 percent of the students qualify for free or discounted lunches on the map. Moten's overall math scores is the second-highest among the 106 elementary schools in the D.C. system, and its reading scores is the sixth-highest.

Principal George Smitherman thinks the sharp increase was caused by two changes in the autumn at the 362-student school: switching to same-sex classes and cutting the lunch period from one hour to 30 minutes. Changing to same-sex classes allowed the teachers to spend more time on academics and less time on classroom management.

School officials made the change quietly without alerting the D.C. system. The Bush administration recently announced it would remove obstacles to the creation of single-sex schools. Research shows that some students benefit.

Shadonna Washington, who recently graduated from the sixth grade and was promoted to another school, said splitting the classes by gender was "scary" at first, but in time she didn't miss having boys around. CJ



Keynote speaker Vernon Robinson talks with charter school administrators Doug Haynes and Baker Mitchell Jr. at the Fifth Annual Charter School Conference in Durham.

Charters entitled to local money

Charters Gain Financial Victory

By BRIAN GWYN
Editorial Intern

RALEIGH

Funding is always an issue for charter schools. Since capital costs are not funded by the state or local governments, most charters are fighting hard for every penny they receive. Francine Delany New School for Children in Asheville paved the way for charter schools to receive additional income that should have come a long time ago.

In May, the N.C. Court of Appeals upheld a lower court's ruling that the charter school is entitled to local money collected through fines and forfeitures. Asheville City Schools appealed the ruling to the N.C. Supreme Court, but no decision has been made on whether the case will be heard.

By law, the district is required to give charter schools the same per-pupil allotment that other district schools receive. In 1999, Francine Delany sued the Asheville City Board of Education for refusing to distribute monies collected from fines, forfeitures, and supplemental taxes. In Asheville's case, that money is no small prize — \$1,100 per pupil from a local school tax goes to the city's schools.

The crux of the issue is N.C. General Statute 115C-238.29 H(b), which states: "If a student attends a charter school, the local school administrative unit... shall transfer to the charter school an amount equal to the per pupil local current expense appropriation..." Asheville City Schools contends that "local current expense appropriation" does not include funds acquired from fines, forfeitures, and supplemental taxes.

A question of accountability

The topic of fines and forfeitures money proved to be a hot one at the Fifth Annual N.C. Charter School Conference in Durham on June 26 at Healthy Start Academy. Philip Adkins, a Durham lawyer, gave a presentation on how charter schools can recover unissued money.

Before filing a lawsuit, Adkins stressed the importance of a cordial initial request. Because the state's statute of limitations is three years, schools could theoretically recover money they were owed from up to three years before the date the lawsuit is filed.

If a district refuses to voluntarily distribute the local funds, a lawsuit is often the only way for a charter school to proceed. Adkins represents four charter schools that are waiting for a final word from the state Supreme Court before pressing further legal action.

Asheville's school district is one of the

few in North Carolina that has an additional local tax on residents that goes directly to the city's schools.

Asheville City Schools Superintendent Robert Logan said the money is not meant for charter schools and the ruling could cost the district almost \$800,000 initially and more in the long run.

"I'm taking issue with the fact that they are seeking funds designated for city schools" Logan said.

Charter schools are public

The discrepancy arises when charter schools are not seen as public schools. Many school districts have not accepted charter schools as public alternatives.

The Court of Appeals says differently. "Charter schools are public schools... As such, they are eligible for state and local funding" wrote Judge Wanda Bryant in the court's opinion.

Roger Gerber, director of the League of Charter Schools, says the issue is clear.

"By the state constitution the money belongs to charter schools and charter schools are public schools. This conflict shows the bad faith that government schools have in competition," Gerber said.

Logan said the \$800,000 has been pulled aside over the years for Francine Delany if the case is finally decided in their favor. However, he feels it will create a windfall for the other charters within the district and around the state.

Since the Court of Appeals decision was unanimous, the state Supreme Court may choose not to hear the case. Officials from the district are also trying to work with local legislators to pass a bill in the General Assembly clarifying the issue.

If the ruling stands, Asheville City Schools will have to pay only for students who reside within its district. This means the families of the students at charter schools are already paying the supplemental tax from which the allocation is made. The families are simply using their tax money for their children's schools.

Supporters of charter schools see these efforts as attempts to drag out a clear-cut issue.

Adkins said that charters are not required to work through the local district and that if anyone is unaccountable in this situation, it is the school district.

"I would submit that the public school system isn't accountable to parents," Adkins said.

He said the individual school district's input has little to do with whether the charter schools should rightfully receive a portion of the fines and forfeitures money. CJ

*School Innovation Spotlight***Charter School Closes Racial Achievement Gap in Just One Year**

By SHERRI JOYNER

Assistant Editor

GASTON

Closing the achievement gap between white students and black students is a nationwide problem. But one school — Gaston College Preparatory, in Northampton County, N.C. — closed the gap in just one school year.

The school works off three simple rules: Work hard, be good, and think.

Gaston College Preparatory started last year with 85 fifth-graders. Pretests from the beginning of the 2001-02 school year showed that only 49 percent of the students were reading at or above grade level. This summer, the school learned that 93 percent of its students scored at or above grade level on end-of-grade reading tests. The students aren't the cream of the crop. Ninety-eight percent of the school's student population is black and 85 percent qualify for free or discounted lunch.

Observers may not believe it at first sight, but perhaps they will once they learn the charter school is also a KIPP school. The Knowledge Is Power Program began in 1994 and gained national recognition quickly for proving to be an educational solution for black students. Most Americans who are familiar with the KIPP recognize it from a *60 Minutes* show that focused on the first two KIPP schools located in Houston and New York. With assistance from Doris and Donald Fisher, founders of Gap, Inc., and now owners of both Old Navy and Banana Republic, the program is being duplicated by recruiting and training educators to open and lead their own KIPP-like schools.

A KIPP school in North Carolina

As popularity and success of the program quickly spread, two teachers in North Carolina, Caleb Dolan and Tammy Sutton, decided their district needed the program.

"We started teaching at Gaston Middle School in 1996 and the number of students passing grade level material was increasing," said Dolan, who serves as the school's co-principal and fifth-grade English teacher.

"But we were sending kids off to low-performing high schools." So the two teachers set off to leadership training and came back with a plan to start a charter school based on the same ideas of KIPP. KIPP schools work from five "pillars": High expectations, Choice and commitment, more time, power to lead, and focus on results. One of the best known facts of KIPP schools is their strict require-

This summer, the school learned that 93 percent of students performed at or above grade level on reading end-of-grade tests.



Chevon Boone, a student at Gaston College Preparatory, knows the answer

ments for good behavior.

"Kids at every KIPP school are told not to slouch, and they are told why. "We explain that body language is important, we teach them, and then we enforce it," Damon said. Name-calling and teasing are also quickly squashed.

The school day is also much longer. School starts daily at 7:30 a.m. and ends at 4 p.m. Students also are required to attend school two Saturdays a month and two weeks during the summer. The extra time gives the students plenty of time to learn

not only reading and math, but science and history.

Most of summer school is spent acclimating new students to the new school environment. This year, sixth-graders, who have already attended the school for one year, came in to tell the new fifth-grade students

what to expect. "It's a tremendous change for a child," Damon said. "All of the kids went through a real transformation."

Hard work is expected. Parents and students have to sign a *Commitment to Excellence* pledge. One of the mottoes carried along to all KIPP schools is "If there's no struggle, there's no progress." The motto, Damon said, helps the students realize that

learning isn't always easy. "Everyone of those kids have shed tears to get them where they are now," Damon said.

Damon attributes the school's success to strong commitment and leadership from teachers, the extra time for instruction, and the freedom allowed in charter schools. "As school leaders, we are able to hire and fire. We control what we spend money on. It is important that a school leader have that ability," Damon said.

He admits that without strong leaders and teachers, it would be hard to make a difference. "There isn't one solution for every school," Damon said. "But you have to find a group of incredibly dedicated teachers who are going to make it happen. And you need strong leadership to make it

happen."

Dedication from the teachers is evident to everyone, including the students at Gaston College Preparatory. Teachers didn't miss one day of class last year. "The stu-

dents saw them [the teachers] coming to class sniffling with cups of tea," Damon said. In return, the school saw a 98 percent attendance rate from students.

Teachers are also required to keep cell phones with them to ensure the students could reach them for help on homework.

The hardest challenge was recruiting a student population in a community that wasn't familiar with choice, Damon said. Word also spread that the school was only for "smart kids." "We went out and visited every single parent of children already in the public schools," Damon said. "We ran into many parents who thought the school was just for gifted kids."

The school isn't just for gifted students. The average student performed below the district average — but no longer. Twelve percent of the student population also has a learning disability or is physically disabled.

The active recruitment of students didn't help the school start out on a good foot with the district. But Damon said the school is working through any of these problems.

The untold part of the story is that KIPP wanted Damon and Sutton to start a school in Georgia or Colorado. Persistence paid off and the founders/co-principals were able to stay in Northampton County. "We wanted to help the students and families we were already working with. So we just decided we would argue with them until we were allowed to stay," Damon said.

To learn more about KIPP, go to www.kipp.org. CJ

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Course of the Month

This month's selection, although not technically a course, finds its way into CM by popular acclaim. It's this year's assignment for the Carolina Summer Reading Program at the University of North Carolina at Chapel Hill. According to its web site (www.unc.edu/srp), the program:

...is designed to introduce you to the intellectual life of Carolina. Required of all new undergraduate students (first year and transfer), it involves reading an assigned book over the summer, writing a one-page response to a particular subject, participating in a two-hour discussion, and sharing your written response with others. The goals of the program are to stimulate discussion and critical thinking around a current topic, to introduce you to academic life at Carolina, to enhance a sense of community between students, faculty and staff, and to provide a common experience for incoming students.

Note that it's not the program's admirable goal that has sparked criticism nationwide, it's this year's chosen book, *Approaching the Qur'an: The Early Revelations*, translated and introduced by Michael Sells, which "consists of thirty-five *suras*, or short passages from the chief holy book of Islam, that largely focus on the experience of the divine in the natural world and the principle of moral accountability in human life."

Much of the criticism centers on requiring the *suras*, which some say amounts to state support of a religion — a constitutional no-no under current judicial interpretation of the Establishment Clause via a phrase in a letter by Thomas Jefferson in 1802 to the Danbury Baptist Association. UNC-CH Chancellor James Moeser told Fox News on July 6, "This is an attempt to understand a religion, not to promulgate its beliefs."

What fault UNC-CH has with this choice of book lies not in the promulgation of a religion, but in the modern academy's typically ham-fisted approach to issues involving "diversity," based on the notion that all controversy stems from "ignorance" so what's needed is "awareness." As Moeser told *The Daily Tar Heel* of July 18, "The job of the University is to open doors and turn on the lights to dispel the shadows of fear and bias and hatred."

Such gratuitous condescension has become academic boilerplate, of which the general public is keenly aware albeit generally tolerant. In time of war (one can imagine high dudgeon in the 1940s were UNC-CH to require reading *Mein Kampf* to "dispel the shadows of fear and bias and hatred" toward Germans), however, it heaps hot coals on controversy. Also, Moeser's remarks about the critics' "hatred" and their "witch-hunt" are a marked change from the way the university usually addresses offended groups on campus. Meanwhile, UNC-CH addressed their concerns quietly, allowing that offended students "may choose not to read the book" but "instead complete their one-page response on why they chose not to read the book."

Ironically, the outcome of this requirement may indeed be to give incoming students an introduction "to academic life at Carolina" and the "sense of community" therein. CJ

Decision imperils a long improvement effort

N.C. State's Cutback at University Library Sparks Widespread Disbelief and Outrage

By JON SANDERS

Assistant Editor

RALEIGH

North Carolina State University's reaction to requests that it reduce its budget, given the state's ongoing fiscal crisis, surprised many. The university turned its budget clippers on the university library.

All UNC institutions are having to decide where to cut their budgets, and naturally whatever decisions they make are greeted with howls of protest from the affected areas. What made N.C. State's decision on its library so surprising was the fact that over the past decade, the entire academic community at the university — students, faculty, and administration — rallied around the library and pushed for improving its holdings and status among the nation's research university libraries.

While public outcry caused the university to ameliorate its position somewhat, some public-relations damage was done, and friends and critics of the university alike were left to wonder exactly what priorities the university has.

Steve Ford of *The News & Observer* of Raleigh opted for a slightly less cynical view of the university than concluding the university really did esteem its library the lowest, the most marginal, item on its budget. Ford wrote that he hoped it wasn't the "old bureaucratic response" to calls for budget-cutting, that "the knife seems to be aimed not toward things that common sense would classify as dispensable under the circumstances," but instead "toward things whose loss would have a real and painful impact — an impact likely to provoke an outcry among people whom the agency is supposed to serve."

Regardless of how it could be categorized, N.C. State's decision involved the following:

- Laying off 27 library personnel, including all security personnel;
- Reducing library expenditures on acquisitions, by as much as \$1 million;
- Canceling up to 834 magazines;
- Cutting library hours of operation, eliminating overnight access (N.C. State was the first major library to offer full library services overnight);
- Closing the library on Saturdays.

The significance of the university's decision was not only that it might reflect the university's "true" priorities, but that it was a major setback for a decade-long buildup



D.H. Hill Library at N.C. State University paid the price during recent university budget moves.

of the library following budget cuts of the early 1990s. That buildup was a campuswide effort, as students, faculty, alumni, parents, administrators and library officials all worked to help resuscitate the library.

The effort reflected the recognition of the academic importance of the library, and it bore fruit. Between 1994-95 and 1999-2000, N.C. State recorded the second-largest increase in library expenditures in the country among Association of Research Libraries members.

Last year the ARL awarded its first Excellence in Academic Libraries Award to N.C. State. N.C. States' rank among ARL libraries went from its low point of 101st (out of 105th) in 1991 to 35th last year. In compiling the rankings, the ARL uses an index involving several variables: volumes held, volumes added, current serials, total library expenditures and total professional and support staff.

N.C. State Director of Libraries Susan Nutter said that in the early 1990s, former Chancellor Larry Monteith had set a goal of the library reaching the top 50 in five to 10 years. Monteith pledged to get the university the kind of library that would befit a top research university.

Chancellor Marye Anne Fox, who as a

researcher herself, understands the importance of a library to research, has maintained support for the library, Nutter said.

Another factor contributing to the library's improvement, Nutter said, was the special \$400 tuition increase granted by the legislature for the 1996-97 academic year. The legislature allowed the increase for only three areas of funding: financial aid, libraries, and faculty salaries.

The increase yielded \$8.4 million for N.C. State, half of which went to student aid.

The other \$4.2 million went to the library system — the faculty voted to forego their salary increases in favor of improving the library.

"We didn't ask them [the faculty] to do that; that was something they took upon themselves to do," Nutter said. "It was a surprise."

For its part, the library returned the favor. Nutter said that she and her staff turned to the faculty and students and asked them to set the guidelines for how to invest the money, and that based on their suggestions it went to improving its collections and services.

After the initial public reaction, the university decided to reopen the library on Saturdays beginning Aug. 17. CJ

A brief history of library improvements at N.C. State, 1992-2001

- In 1992, Chancellor Larry Monteith set a five-to-10-year goal of improving the library's standing to the top 50, up from its ranking of 101 out of 105 Association of Research Libraries members.
- Hundreds of N.C. State students signed and mailed a letter to Monteith challenging him to support the university's "inadequate library" to enhance the "intellectual credibility" and "academic reputation of this university." The pre-addressed, tear-out form letter was published in the Feb. 1993 issue of *The State Critic*, an independent student publication.
- NCSU Parents' Association and the Senior Class of 1993 raised \$274,000 in matching money for N.C. State libraries in 1993.
- Anonymous donor gave a \$200,000 matching gift to N.C. State libraries in 1993.
- Chancellor Monteith placed the library at the top of his budget request for new funding in 1993.
- Faculty at N.C. State in 1996-'97 volunteered to forego \$4.2 million in new tuition money, which was slated to go toward increasing their own salaries, and directed the money instead to improving the library.
- Monteith resigned in 1998, with the library ranked at 42.
- New Chancellor Marye Anne Fox continued her predecessor's championing of the N.C. State library after she took the reins in 1998.
- In 2000 the ARL awarded its first Excellence in Academic Libraries Award to N.C. State. A survey by the ARL showed that N.C. State had the second-largest increase in library expenditures in the country from 1994-95 to 1999-2000.
- In 2001 the library ranked at 35.

State Budget Crisis Triggers Scrutiny Of 'Overhead Receipts' at Universities

By JON SANDERS
Assistant Editor

Public universities in North Carolina this year received \$120 million from the federal government in "overhead receipts." That money is intended to help pay the universities' administrative and institutional costs in conducting research for federal projects. It is also coming under legislative scrutiny in this tight budgetary era as lawmakers question how the universities use the money and whether it duplicates any state funding efforts.

Until 1999, the legislature did exact a portion of the overhead receipts, ostensibly to reimburse the state for its share of the "double payment" for operational expenses. Determining the exact amount of the double coverage of operational expenses, or even whether there was such a redundancy (university officials, of course, say there wasn't), is difficult given the way the legislature allows the University of North Carolina system to decide the distribution of its operational expenses from the single, large amount the legislature appropriates for them.

Having given the complete overhead receipts to the UNC schools, they also viewed them as another straw to grasp in the current fiscal quagmire. But also having seen some of the questionable uses the universities had put them toward, legislators began to consider whether they should again avail themselves a portion of the universities' overhead receipts. That was the goal of several House members this summer as that body discussed the state budget.

As one member of the House Education Appropriations subcommittee, Alex Warner, D-Hope Mills, told *The News & Observer* of Raleigh in July, "You could make a very viable argument for the loose ends of those overhead receipts. We could put them to practical use in the state budget."

Naturally, this development set off alarms within UNC. UNC officials took their case to legislators and also to the public. For example, UNC-Chapel Hill Provost Robert N. Shelton wrote an op-ed in the *N&O* in June, N.C. State Chancellor Marye Anne Fox and UNC-CH Chancellor James Moeser teamed up to write an op-ed in July in *The Charlotte Observer*, the web site for the UNC system has an "Issue Brief" section to help UNC advocates make the case

for the schools keeping all of their "facilities and administrative funds," and the web site for N.C. State has a large section on "indirect costs."

Those arguments point toward the "good uses" of those funds, which include: N.C. State's recruitment of Ralph Dean, an expert in fungal genomics, who since 1999 has garnered more than \$11 million in research grants; East Carolina University's acquisition of the Da Vinci Surgical System, robotic technology that has enabled ECU surgeons to perform the world's first adrenal gland removal surgery, and the nation's first gastric reflux repair; UNC-CH's recruitment of Charles Perou, a researcher developing new technology in the fight against breast cancer; and the further development N.C. State's Centennial Campus, thus driving employment and spinoff beneficial research discoveries. Also, they say, the receipts help support start-up costs for new laboratories, fund new research areas, and help fight diseases. Diverting a portion of that revenue stream to the legislature, they say, would be "devastating," and not just to the universities, but to the state as well.

"If overhead receipts were diverted from our campuses," Fox and Moeser write, "North Carolina would lose ground — and perhaps new companies, new jobs, and our best faculty — to other states that can make investments that promote research."

Legislators have their own list, however; theirs is of the apparent "bad uses" of the funds. Those include Winston-Salem State University spending more than \$75,000 to search for a new chancellor, UNC-CH diverting grant money supposed to reimburse its libraries to other areas, and N.C. State suggesting (a suggestion since retracted) it could use the money to cover deficits in its proposed hotel, conference center, and golf course.

Nevertheless, the universities' worst-case-scenario argument — that returning a portion of the funds to the legislature would result in the financial immolation of the state as well as the universities — appears to have carried the argument, at least for now. The issue appears to have shifted away from returning to the pre-1999 practice of the universities returning a portion of their overhead receipts back to the legislature. The focus now seems to be on full disclosure of how those funds are used. It's an uneasy and uncertain truce. CJ

Students Are Taught 'Do Your Own Thing' Ethics, National Poll of College Seniors Shows

By THOMAS CROOM
Contributing Editor

College students are being taught to behave unethically in today's workplace despite their own personal beliefs, according to a report released July 23 by the National Association of Scholars.

Zogby International, an international polling firm, conducted the study for NAS. The national survey of 401 randomly selected college seniors ran from April 9-16 at both public and private four-year institutions, asking those seniors questions relating to their instruction on ethical or moral issues.

"These results have disturbing implications both for America's economy and its institutions of higher education," said NAS President Stephen H. Balch. "They suggest that our colleges and universities, however unwittingly, are contributing to, and perpetuating, the ethical laxness behind the recent scandals at Enron, Worldcom, and other major American firms."

In the survey, college seniors were asked, "Which of the following statements about ethics was most often transmitted by those of your professors who discussed ethical or moral issues?" Nearly three-fourths answered that "what is right and wrong depends on the differences in individual values and cultural diversity." Just one-fourth agreed that "there are clear and uniform standards of right and wrong by which everyone should be judged," and 2 percent were "not sure."

"The disturbing implication for American society at large is that people are getting a kind of 'do your own thing' view of ethics," Balch said. Eighty-five percent of either education or preprofessional majors (e.g., law and medicine), and 79 percent of the humanities and social science majors said right or wrong "depends." Among those choos-

ing "clear and uniform standards," 33 percent came from science or math majors and 33 percent were in miscellaneous majors.

Despite the students' lack of clarity in determining right and wrong, 97 percent believe they have been prepared to behave ethically in their future professional lives, according to the study. The same poll, however, revealed other beliefs and attitudes among college students that do not inspire confidence in their ability to make ethical judgments.

For example, asked to rank common business practices by importance, the largest plurality of students polled (38 percent) responded with "to recruit a diverse workforce in which women and minorities are advanced and promoted." They were also asked in which fields they thought an "anything goes" attitude would lead to success, and the top fields chosen were business (28 percent of students responding), journalism (20 percent), law (16 percent), teaching (5 percent), science and medicine (5 percent), civil service (5 percent), religion (3 percent), and military (2 percent). Only 8 percent chose "none."

Another worrisome aspect of this survey is, as Balch said, the fact that "a free society depends on strong ethical principles." Students today, however, are not taught to understand the concepts of property rights and free markets, but they are subject to the consistent mischaracterization of capitalism and the basis for contract law, he said. They are taught not just to neglect the foundations to our constitutional rights, but sometimes even to struggle against them. "To be sure the foundations of ethical education are laid in the home and school," Balch says. "At best, universities can only confirm the lessons taught there. But they can also undermine these lessons by providing sophisticated excuses for succumbing to the temptations of greed and power." CJ

Campus Intellectual Intolerance Is Back

In 1976, I was a student at Duke Law School. One of the campus speakers that year was Milton Friedman, who had recently received the Nobel Prize in economics. Prior to his talk, leftist student groups posted signs around the campus protesting Friedman's appearance on the grounds that since he had once given some economic advice to Pinochet's government in Chile, he was therefore complicit in that regime's repression.

Now, this was a classic case of protesting just for the sake of protesting. Friedman is as much against repression as anyone could be. Linking him to Pinochet's bad human rights record was preposterously silly and unfair.

My point, though, is about what did *not* happen rather than what did. Students engaged in some moronic antics, but I heard of no faculty members leading or encouraging them. Duke had plenty of hard-left professors then, but to the best of my recollection, they did not urge students to stay away from

Friedman's lecture, or to go and shout him down, or to steal and burn copies of his books. To be sure, there were intellectual battles fought at Duke and other universities a quarter century ago, but for the most part, the faculty took up only intellectual weapons.

How things have changed. The radical students of the '70s are today's tenured faculty members, and many seem to recognize no dividing line between appropriate and inappropriate modes of disagreement. Campus protests are now often led by professors who do not hesitate to display their intolerance for those who disagree with them.

Last year when David Horowitz's famous ad on why paying reparations for slavery is a bad idea caused tumult on campuses nationwide, professors eagerly led the attack on Horowitz. Instead of employing their academic skills to calmly argue against Horowitz's points (not to assume they all possess such skills), many faculty members instead responded by making demands on their schools for reprisals against the student newspapers that had "dissed" them. Great example for young people.

Another man whose very presence on campus can lead professors to fly off the handle is psychologist Arthur Jensen, who has the temerity to say that he thinks there is a link between intelligence and heredity. That view is intolerable to Marxists who claim social environment determines all. At many campuses where Jensen has been scheduled to speak, professors have led attempts to keep him from appearing and used rowdy, disruptive tactics if he did.

And earlier this year, when Clarence Thomas gave a speech at the University of North Carolina Law School, a group of black law professors prominently announced their refusal to attend because of their disagreement with Justice Thomas on various cases and issues. Of course, they're entitled to their disagreements, but what message does it send to students when their teachers signal that the way to deal with disagreement is to petulantly refuse to listen to the other side?

Examples of professorial intolerance are a dime a dozen these days and are evidence of a disturbing decline in civilization. It has often been observed that there is only a thin veneer of civilization covering and restraining our primitive, animalistic nature.

Throughout most of human history, disagreements were settled with clubs, swords, and guns; dissenters from "proper thinking" were fortunate to avoid prison or the gallows. Gradually mankind has made some progress against those impulses, enthroning reason and turning from violence and intolerance.

The trend on American campuses, alas, is in the opposite direction. CJ

George C. Leef

Bats in the Belltower

I Pledge Allegiance to the Idea That Dunderpates Deserve Mockery

Dana Cloud is no fan of the Pledge of Allegiance. The recent ruling, since put on hold, by the Ninth Circuit Court of Appeals to ban the Pledge from voluntary recitation in schools so delighted the University of Texas associate professor that she was compelled to write *The Daily Texan* about it. It wasn't just "the religious imposition" (the "under God" part) that she objected to, it was also "because it seems very strange to pledge loyalty to a scrap of cloth representing a corruption that imposes its will, both economic and military, around the world by force."

Cloud also said her 11-year-old daughter inspired her to rewrite the Pledge, and she shared her new version with the paper. Here is that new version, which she said to "Imagine schoolchildren every day reciting":
I pledge allegiance to all the ordinary people around the world, to the laid off Enron workers and the WorldCom workers the maquiladora workers and the sweatshop workers from New York to Indonesia, who labor not under God but under the heel of multinational corporations; I pledge allegiance to the people of Iraq, Palestine and Afghanistan, and to their struggles to survive and resist slavery to corporate greed, brutal wars against their families, and the economic and environmental ruin wrought by global capitalism; I pledge allegiance to building a better world where human needs are met and with real liberty, equality and justice for all.

Truth in advertising

Brendan Minter wrote in a recent *Wall Street Journal* opinion column about his encounter with campus radicals at the University of Texas. Minter states that "the quantity and quality of the 'dissidents' I met here suggest that the war effort isn't in much danger."

Following is Minter's description of an encounter with one "dissident":

One day I encounter a lone protester carrying a torn box made into a sign that reads: "I'm an eye sore."

I asked him what he's protesting. "Everything!" he shouts.

Before I can follow up with something like "Wow, that's a lot. Anything more specific?" he turns to some people who seem to

be in earshot, and yells "Expel the fundamentalists!"

Who are the fundamentalists? I ask. "America has its own Taliban!"

He has a way of both shouting and responding only with protest slogans he makes up on the fly. Everyone but me seems bent on avoiding him.

Are you even a student here? I ask. What's your name?

"I? I am an enigma!" he shouts.

A few hours later I pass the same spot, and he's still there. Now he repeats the refrain to "We Are the World." And he has a new sign: "I'm an idiot."

I don't see any reason to argue.

Stickin' it to Da Man

"Kill Whitey" — Predictable dialogue in a blaxploitation film? *Raison d'être* of blacks as imagined by the one-track minds of fearful, ign'ant white supremacists? Nope (well, not only those), it's also a chapter title in the recent book *Stupid White Men*, by the Left's answer to humor, Michael Moore.

In that chapter of the book, which recently earned Moore a Lifetime Absolution from Culpability certificate from the Bureau of Immediate Liberal Guilt Extermination, Moore gives a brief list of troubles caused by all those meddling, pigment-deficient, y-chromosomed planet scourges. It reads like the *reductio ad absurdum* of the Left's efforts to remove "Dead White Males" from any prominence, if not study, in college curricula:

- Who gave us the black plague? A white guy.
- Who invented PCB, PVC, PBB, and a host of chemicals that are killing us? White guys.
- Who has started every war America has been in? White men.
- Who is responsible for the programming on FOX? White men.
- Who invented the punch card ballot? A white man.
- Whose idea was it to pollute the world with the internal combustion engine? Whitey, that's who
- The Holocaust? That guy really gave white people a bad name...
- The genocide of Native Americans? White man.
- Slavery? Whitey?
- So far in 2001, American companies have laid off over 700,000 people. Who ordered the layoffs? White CEOs.
- Who keeps bumping me off the Internet? Some friggin' white guy, and if I find him, he's a dead white guy." CJ



A 'national security fiasco'

U.S. Foreign Student Program Rife With Corruption, Study Says

By JON SANDERS

Assistant Editor

RALEIGH

The Center for Immigration Studies in Washington, D.C., released in June a damning evaluation of the Foreign Student Program. Conducted by George Borjas, Pforzheimer professor of Public Policy at Harvard University's John F. Kennedy School of Government, the evaluation finds the program rife with corruption and failing abysmally at achieving its advertised benefits.

"The foreign student program needs radical surgery," Borjas writes. "The INS [Immigration and Naturalization Service] has little control over the number and type of students being admitted; the program is littered with corruption and fraud; and many education institutions with the authority to admit foreign students look and act an awful lot like 'visa-for-sale' storefronts."

In the report, available online at www.cis.org, Borjas examines "the fundamental questions [that] will not go away: Is such a large-scale foreign student program in our best interests? What does it cost us? And what does it buy us?" The knowledge that rogue states are deliberately trying to infiltrate the United States to attack its citizens, infrastructure, and landmarks, and that they are taking advantage of the foreign student program to do so underscores the importance of undertaking such an evaluation.

What Borjas finds is an appalling lack of control over the program. Tracking of foreign students by the INS is practically nonexistent. As Borjas shows, the INS is incapable of determining exactly how many foreign students enter the country in a given year, let alone know how many are in the country at any given time. In one recent example, Borjas shows a huge discrepancy between the INS's count of the number of foreign students admitted to the country in 1998 (599,000) and the State Department's count of the number of student visas it issued (280,000).

Worse, there is no tracking of foreign students once they're in the country, Borjas notes. Schools are not required to report when a foreign student has enrolled in the program for which he received the visa, nor are they required to provide updates on the student's academic status. Such a lack of oversight makes the student visa program easy for foreigners to enter and remain in the United States as illegal aliens.

The nadir of the INS's lack of control over the foreign student program must have been when the INS mailed out official approval of the student visas of Mohammed Atta and another of the terrorists in the planes Sept. 11, six months after their attacks. Another terrorist, Hani Hasan Hanjour, received a student visa to study English in California, but he didn't attend any classes. This colossal bureaucratic blunder tells Borjas that the INS had not learned the lesson from the Iranian hostage crisis in 1979. Borjas explains how President Jimmy Carter considered the possibility of expelling Iranian students from American soil and asked the INS to tell him how many students that order would affect. "The INS could not provide that number during the

entire 444 days of the crisis," Borjas writes. "And the INS still has no way of determining how many foreign students are present in the United States."

Another problem highlighted by Borjas is the "implausibly large number"—about 73,000—of U.S. schools certified by the INS to accept foreign students. He points out that there are "only about 4,000 colleges and universities in the country, at most 6,000 more state-accredited vocational schools, and only 24,000 secondary schools." Borjas writes that "the United States has delegated its legitimate role of selecting the immigrant flow to thousands of privately run entities whose incentives need not coincide with the national interest." As he shows, foreign students provide universities with low-salaried research staff and teaching assistants, and they also fill the coffers of the thousands of vocational and language schools. The "incentives for corruption" are so great that firms compete to place prospective foreign students.

As for the benefits the United States receives from the program, Borjas finds three: a permanent increase in the skilled workforce in the United States from the 13 percent of foreign students who choose to stay; contributions to the U.S. workforce from foreign students employed particularly as research, lab, and teaching assistants at universities; and tuition revenues from foreign students.

What Borjas finds is an appalling lack of control over the program. Tracking of foreign students is practically nonexistent.

But what of the costs? "The United States has traditionally banned the export of goods it considers vital to its national security, such as supercomputers, encryption technology, or material that can be used to produce weapons of mass destruction," Borjas writes. "Yet there is no similar ban on the type of knowledge that can be acquired in American universities."

One compelling example he cited was a recent study of foreign students by Georgia State University professors Paula Stephan and Grant Black that found, among other things, between 1981 and 1999, persons on student visas from "countries that are now targeted for increased security monitoring, including such countries as Algeria, Egypt, Iran, Iraq, Lebanon, Saudi Arabia, and Yemen" received 111 doctorates in nuclear and organic chemistry—"40 of them going to Iraqi students." Also, students from those countries received "434 doctorates in chemical and nuclear engineering, with 106 going to Iraqis; and 112 doctorates in atomic and nuclear physics, with 31 going to Iraqis."

As Borjas writes, "Once one stops mindlessly humming the 'Ode to Diversity' that plays such a central role in the modern secular liturgy—and particularly so in higher education—it is far from clear that the program generates a net benefit for the U.S. "The economic benefit from it, he argues, is "more than offset by the tuition subsidy that taxpayers grant to foreign students enrolled in public universities." Borjas calls for a re-evaluation and a restructuring of the program. He writes that the "remarkably powerful combination of INS ineptitude and the higher-education sector's greed perverted what would have seemed to be a sensible and noble effort into an economically dubious proposition and a national security fiasco." CJ

Issues in Higher Education: Changing the SAT

The SAT or the Racial Gap It Measures—Guess Which Got Changed First

By JON SANDERS

Assistant Editor

Quick analogy quiz: *Changes to the SAT: Politically motivated: as (A) idea of scholastic merit: offensive to egalitarians, (B) reality TV shows: contrived obnoxiousness, (C) bear: "going" in the woods, (D) all of the above, or (E) What the...?*

If you selected (E), and you plan to take the Scholastic Aptitude Test but haven't yet, you're in luck. In the College Board's recent major overhaul of the SAT, analogies are being eliminated in favor of "short reading passages." Other changes include renaming the Verbal section to "Critical Reading," dropping quantitative comparisons from the math section, and introducing a new Writing Section to test knowledge of grammar and require students to complete an essay question.

The assault on objectivity

With the addition of the new section, the perfect score of the SAT will increase from 1600 to 2400, the test will take a half-hour longer, and it will cost more. Although the scoring change will make comparing SAT scores over time even more difficult than the infamous "recentering" of SAT scores in 1995, the most controversial change is the new essay, which necessarily injects subjectivity in scoring the tests.

What was so wrong with the SAT that it required such large-scale changes? The University of California didn't like it. What was UC's problem with it? The SAT is, quite frankly, too objective—and one of the things it measures objectively is the vast difference in educational preparation between black students and

white students. Since UC is prevented by public referendum to use race-based preferences in admissions, the gap has become a considerable sore spot, and the university system has attempted numerous, albeit merely cosmetic, solutions to the problem. Naturally all concerns over the scoring gap and coinciding admissibility problems were couched in the acceptable language of "protecting diversity" at UC, lest anyone risk the grave heresy of questioning pedagogic and other practices at public schools.

The Spring 1997 issue of *The Journal of Blacks in Higher Education* signaled as much.

RALEIGH

"There is a very large, long-standing, and apparently unyielding difference in academic preparedness among blacks and whites as measured by the Scholastic Assessment Test," it states. "For many years now, the validity of the SAT as a measure of academic aptitude has been under constant attack. However, after extensive test repair, the case for racial bias in the content of the current test is no longer a strong one. In an academic world that is moving away from racial preferences, the problem for blacks is not so much the propriety of the content of the test but rather the fact that the test continues to be used, often quite mindlessly, to sort, select, and reject the people who wish to gain admittance to the nation's highest-ranked colleges."

Minorities and elite schools

Note that last phrase; the *JBHE's* and the UC's concern is basically over the SAT's effect on minority admissions to *top* colleges. As has been reported in *CAROLINA JOURNAL*, the admissions rate of minorities in the UC system now (19.1 percent) exceeds that of minorities

before the passage of Prop. 209 (18.8 percent). Only at the three most selective campuses in the UC system (Berkeley, Los Angeles, and Irvine) are minority admissions rates below their pre-209 level. So those in California who opposed Prop. 209 because it would supposedly slam the door on minorities

seeking entrance into the UC system, rather than acknowledging the unlooked-for success, instead deftly avoided their mea culpas. They focused on the lower minority enrollment rates at just those three institutions, and affixed blame on the SAT. There is a certain inverse logic at work behind it: If the standard cannot be attained by educational business as usual, *the standard must change.*

Thus last year UC President Richard C. Atkinson proposed dropping the SAT altogether as an admissions requirement, and this March a UC faculty committee fol-



lowed up on Atkinson's threat by passing a proposal recommending to the Board of Regents that UC replace the SAT with its own admissions test in reading, writing, mathematics, and two other subject matters by 2006. The regents

were slated to vote on the proposal in July. The UC system being the SAT's largest customer, it is perhaps not surprising the College Board made its changes, to become effective in late June 2005.

Last change in 1995

The last big change to the SAT took place in 1995 after years of falling SAT scores and a widening of that nagging racial gap. The median score for all students taking the test was "recentered" at 500. The effect was, as the autumn 1996 *JBHE* showed: in 1988 the combined average score for blacks and whites were 1036 and 847 (with a gap of 189 points), while in 1995 under the new system the combined average score for blacks and whites were 1046 and 854 (with a gap of 192 points); however, under the old scoring system those scores were 946 and 744. The new scoring system masked a seven-year drop in scores

of 100 points for whites and 110 points for blacks, and it furthermore masked the scoring gap by 10 points.

In 1999 two changes were suggested, but public outcry stopped them. The Educational Testing Service proposed a new program called the "Strivers" scoring system, which would promote certain test-takers as "Strivers" if they tested 200 points higher than their "expected score" according to their background (weighted by their race, gender, ethnicity, and 11 other personal categories). Also, the Office of Civil Rights under the Clinton administration issued proposed "guidelines" to discourage universities from using tests that have a "disparate impact" on applicants according to their race, gender, or ethnicity, even if that "disparate impact" (the OCR's way of acknowledging the scoring gap without blaming public schools) was unintended.

The significance of the changes of 2002 goes beyond the fact that UC is effectively imposing its racial-politics straw-grasping on universities reliant on the SAT in the other 49 states, or even that historical comparisons of SAT scores will become more uncertain. The changes signify two things: 1) a recognition that it is inevitable that racial preferences in admissions will be declared unconstitutional across the land, and 2) a successful—and more importantly, legal—end run around that inevitability. The standard that reflected the failures of the system has now been enslaved to the system. CJ

The SAT changes are a successful end run around the inevitability that racial preferences will be declared illegal across the U.S.

cartoon goes here



A New Web Site Providing a State Perspective on 9/11 and the Current International Crisis From the John Locke Foundation

Recent Articles and Columns Spotlighted on NCAAtWar.com Include:

¥ Military historian Victor Davis Hanson argues that the Western way of war and Western notions of freedom and civilization are proving their worth.

¥ Moderate Muslim clerics preach peace in Durham and Greensboro while a former Black Panther leader calls First Lady Laura Bush a murderer at Duke.

¥ North Carolina's economy, hurt further by wartime deployments, awaits help from Washington, where disagreements about tax cuts block a stimulus bill.

¥ Dr. Andrew Taylor, NCSU Political Scientist, on the likely impact of the war on North Carolina politics and the U.S. Senate race.

¥ As U.S. Marines from Camp Lejeune participate in military action near Kandahar, Seymour Johnson airmen prepare for deployment to the Mideast.

¥ Gov. William Yarborough, former head of Special Warfare Center at Ft. Bragg, distinguishes terrorism from legitimate armed resistance.

¥ Locke Foundation President John Hood argues that North Carolina short-lived anti-war movement unknowingly exposed its own fallacies.

For the latest news, analysis, and commentary on the war on terrorism, visit what National Review once named its Cool Web Site of the Day located at www.NorthCarolinaAtWar.com or www.NCAAtWar.com.

Town and Country

• Forced annexation is here to stay — let the exodus begin: The U.S. Court of Appeals for the Fourth Circuit returned an unfavorable decision for the Good Neighbors of New Hanover County (and others hoping for relief at the hands of cities that forcibly annex).

The decision has forced many to prepare their homes for sale. Excessive taxation by the City of Wilmington has so burdened the “new residents” that remaining in the ever-growing city would bankrupt them, they say. For many, the choice is to get out while they still can.

The court unanimously, 3-0, affirmed for Wilmington that city officials could continue to annex rich areas to feed their appetite for more tax revenue.

Citing a 1907 Supreme Court decision, the 4th Circuit noted “that annexation is ‘entirely within the power of the state legislature to regulate.’” Readers following the case may remember the April 2002 edition of *CJ* where *CJ* recounted the questions by the judges on this matter.

One judge asked the plaintiffs whether the issue was not a political question because the voters of North Carolina could vote for state representatives who could in turn reverse the state’s policies on annexation.

Since the 4th Circuit has affirmed forced annexation is not a violation of the equal protection clause of the Constitution, the only remedy now is for voters of the state to elect members to the General Assembly who will change the law.

Absent being allowed to vote on annexation, equal protection grounds do not apply.

Since North Carolina’s statutes on annexations do not violate a fundamental right, “annexation decisions are within the absolute discretion of the state,” the court concluded.

The court further denied that the Good Neighbors had procedural due-process claims. Under procedural due process, the annexation scheme would have had to interfere with liberty and property.

Again, because the 4th Circuit did not view their lack of voting on the matter of annexation as a denial of any legal right, the court opined that they were not deprived of liberty.

As to the argument that forced annexation amounts to a “taking,” the court wrote that because the city had not physically taken any land, the city did not violate the law: “the possibility of a taking is not a taking,” according to the 4th Circuit.

In other words, even though city officials may intend to, say, annex property to widen a street, they have not violated any law. If they in turn compensate for any taking, they have not violated the law either.

• Note: The City of Wilmington will be back in court in early July. *CJ* will have a report on the developments between the city and *pro se* plaintiff Kent Chatfield in an upcoming issue. In the first round, Chatfield emerged successful. *CJ*



A map shows the configuration of the Charlotte Whitewater Park near downtown. The project is estimated to cost \$15 million to \$18 million.

Charlotte Surges Ahead on Water Park

Nonprofit organization formed to create a ‘more livable and memorable city’

By ERIK ROOT
Assistant Editor

CHARLOTTE

It is becoming common for local governments to establish 501(c) nonprofit organizations to conduct the public’s business. This is not just a North Carolina phenomenon, although the state has been engaging in the practice in no small measure. Often, governments institute the nonprofit agencies in order to hide the financing of certain projects from public view.

In Charlotte a new type of nonprofit has been instituted.

According to the city’s website, the Charlotte Whitewater Park nonprofit’s “goal... is to build a public park with outstanding facilities and amenities, all centered around an active recreational, ‘continuous’ river near the center of Charlotte.

“The river will have the look and feel of mountain rivers and streams like the Nantahala and French Broad, in the western North Carolina mountains, or the Ocoee river in Tennessee, but with a condensed series of adjustable rapids and whitewater. Charlotte Whitewater Park will bring a mountain rafting or kayaking experience to an uptown urban environment.”

Charlotte will join about a dozen other American cities that have created similar parks. About 12 other cities, including Fayetteville, Asheville, and Bryson City in North Carolina, are considering developing similar parks, according to *The Charlotte Observer*.

The project is expected to cost \$15 million to \$18 million.

Park’s director gushes optimism

In a recent *Business Journal* column, Jeff Wise, executive director of the park, wrote “unique and exciting projects such as the Charlotte Whitewater Park are critical elements to building a more liveable and memorable city.”

While Wise does not elaborate as to how such a park makes a city more “liv-

able” or “memorable,” the implication is that cities that do not have such luxurious amenities are less livable.

Still, Wise asserts that the park should be funded because:

- Families can participate in recreational activities together;
- The whitewater park would serve as a venue for tourists and a magnet for national and international athletic competitions;
- Parks provide character and help establish a “sense of place” for [the] community, and create amenities that attract and retain valuable talent and human resources;
- They provide learning opportunities to understand the importance of maintaining healthy ecosystems;
- Parks offer recreational opportunities to help youths develop life-skills such as leadership, cooperation, risk assessment, decision-making, and self-confidence;
- The events and traffic would promote small business, cultural, and entertainment opportunities;

• Public attractions promote cultural diversity as people of different backgrounds play and interact;

• The park would be a state-of-the-art facility for the training of firefighters performing swift-water and flood rescues.

Wise said he supports the free market. He said he has spent most of his career on the private side of the market. He said he believes in supply and demand.

However, he said does not want the park to look like or function like a free-market theme park, where the goal is to charge an exorbitant amount of money and admit as many people as possible. Such a market goal is not a pleasurable experience, he said.

As far as what he means by a sense of

place, Wise said that many other cities, such as Boston and San Francisco, have defining characteristics. Each is unique in some way.

The whitewater park in Charlotte can be one of those defining characteristics, he said.

Government officials on the board

Still, like other nonprofit agencies connected to the public, the park has several officials on its board of directors who are either elected members of the local government, are employed by the local government, or receive funding from the local government.

The board of directors and advisory board for the park comprise local officials from the Charlotte City Council, the public

school system, parks and recreation, and other governmental agencies and organizations.

There are members of the business community and the local chamber of commerce, as well, but the involvement of local elected and appointed officials is more than noticeable.

Vic Howie, a senior vice president with Charlotte-based Bank of America and a member of both the park’s board of directors and its executive board, told the press that Mecklenburg County would contribute \$3 million of taxpayers’ money to buy the land for the park.

Wise told *Carolina Journal* that the park is in the planning stages and that all the details have not been worked out.

He said that the sprawling 307-acre campus will be managed by a private company and that the choice of that company will be determined by competitive bidding.

The park will also sell naming rights, like many professional sports teams do. It is still unclear how much taxpayers will be charged for the park’s expenses. *CJ*

“Parks provide character and help establish a ‘sense of place’ for [the] community, while creating amenities...”

An abandoned Upton's retail store is located on Albemarle Road on the east side of Charlotte.

Charlotte, Concord target 'blight'

Cities Impose Regulations on Big-Box Stores

By MICHAEL LOWREY
Associate Editor

CHARLOTTE

In at least two cities in North Carolina, local restrictions have been proposed recently on the design and construction of large retail stores. Unlike previous debates about such so-called "big box" stores, the issue currently often centers on the design and reuse of such buildings. In some cases, a city may even require the tenant or developer to post a bond to ensure the building's destruction if it is not used.

Big-box stores are large retail stores, generally more than 20,000 square feet in size. While perhaps the classic example of a big box is Wal-Mart, a number of other chains, such as Target, Media Play, Upton's, Circuit City, K-Mart, The Sports Authority, Marshalls, TJ Maxx, Circuit City, Home Depot, and Lowe's all typically operate large stores that are often sited away from traditional malls. In the case of Wal-Mart, stores can be 150,000 square feet.

Traditionally, concerns about big-box stores have focused on their immediate impact, such as additional traffic or development a new store might generate. Wal-Mart stores, because of their size and pricing structure, often generate opposition from those concerned that locally owned shops will be forced out of business by the new outside competitor.

Big-box blight?

The issues driving new regulations in Charlotte and Concord, however, have little to do with the impact of large stores when they open. Rather, it centers on what happens to these buildings at the other end of their life cycle. A 2000 report in Charlotte noted there were more than 30 abandoned big-box stores in the city. And as Charlotte Councilwoman Nancy Carter told *The Charlotte Observer*, "It hurts the economy. It hurts the neighbors. It scares people away." The term "big-box blight" is often used to describe the phenomenon.

The problem with large empty stores arises primarily from three causes: demographic changes, the changing nature of retailing, and constraints on reuse:

- Many of the unused large-store sites in Charlotte are concentrated along Independence Boulevard and Freedom Drive in areas that have experienced large-scale demographic change in recent years. The east Charlotte neighborhoods surrounding Independence Boulevard and nearby Eastland Mall, for example, have changed from middle-class suburbia to immigrant communities, with obvious effects on the disposable income and tastes to which nearby stores and restaurants must cater. The movie theater in Eastland Mall has just reopened to feature Spanish-language films after being shuttered for several years. Seeing empty retail space is hardly a surprise in this environment.

- Retailing is a constantly changing industry. What is popular today may not be popular tomorrow. Once dominant chains, such as K-Mart, can diminish in importance and even face bankruptcy as the market changes. This can result in empty big boxes.

- A third factor is anti-reuse clauses in lease agreements. In real estate, of course, location is critical. A mer-

chandiser with a favorable but small location may move to a new site, close the old store yet continue to rent on the old location to deny the site to potential competitors.

Concord regulates

In Concord, the city council recently adopted restrictions on new stores over 20,000 square feet. To give buildings more "character," uninterrupted exterior facades cannot exceed 150 feet. At least every 30 feet exterior walls must change in color, texture, or materials, or have a distinct architectural feature.

Each store must also have at least two features to enhance its appearance, such as a patio or seating area, a kiosk area, water feature, tower clock, pedestrian plaza with benches, window shopping walkway, transportation center, or outdoor playground area.

Concord's ordinance also prevents stipulations in contracts that keep landlords from re-renting property if it is abandoned by the original tenant and require that buildings be maintained even if unoccupied. Architectural sketches must also show how the building could be reused by either a single user or multiple tenants.

Charlotte planners take charge

In Charlotte, the big-box issue is being addressed through the rezoning process. As virtually all new large retail developments require rezoning approval, city planning officials has enormous power to shape future projects. While the city council, ultimately approves or rejects rezoning requests, planning staff recommendation weigh heavily in the process.

When asked by The Charlotte Observer, Planning Director Martin Cramton said, "My attitude is, let them go someplace else."

Planning officials in Charlotte are now recommending that future big-box stores be part of a mix-use development with other stores, and offices, and perhaps even apartments.

In addition, the planning office is also requiring a "demolition bond" for any future big-box store. The developer would be required to ensure, either by posting a bond or placing money in escrow, that funds are available in the future to tear down a big-box store if it should stay empty for some specified length of time.

The exact details of the bonds are still being worked out and may vary between developments. No formal rezoning requests have been submitted to date.

As with all regulations, the restrictions on big-box stores come at a price. The extra cost of a prettier building or a demolition bond are out-of-pocket expenses to developers and retailers and are, at least in part, passed on to consumers in the form of higher prices or reduced competition.

Retailers, for example, might be tempted to locate outside Charlotte or Mecklenburg County, where costs are lower.

When asked by *The Charlotte Observer* about this, Charlotte Planning Director Martin Cramton said, "My attitude is, let them go someplace else." Cramton noted that Charlotte had such a large area in its planning jurisdiction — about 380 square miles — that it would be difficult for those wanting to serve the Charlotte market without being subject to its zoning regulations.

Ignore the Hype, Mass Transit Fails

In recent years, the American Public Transportation Association and mass-transit agencies have been pumping out press releases about record ridership. At the national level, a recurring theme has been that ridership has reached a 40-year high.

So, it was expected that when the results of the 2000 U.S. Census were announced, a large increase would appear in the number of people using mass transit. The news is out, and there is a record — a record low. Not in the 40-year history of census journey-to-work information have fewer people used mass transit to get to work. As a result, mass transit's work-trip market share is also at a record low, and is probably at the lowest rate since before the streetcar was invented in the 1880s. Now, just 4.7 percent of people use mass transit to get to work. During the 1990s, 13 million workers began using cars to get to work.



Wendell Cox

This compares to a slight decline in mass-transit use and a 10 percent market share loss, from 5.3 percent in 1990 to 4.7 percent in 2000. Mass transit is clearly not reducing traffic congestion, because to do that requires getting people who drive to work out of their cars, something that no census has ever shown.

The nation's most expensive new rail system is in Washington, D.C. About \$10 billion and 100 miles of subway, not to mention two new commuter rail lines, have not been enough to stem the decline. Today mass-transit's work-trip market share is 30 percent lower than when there were only buses.

Portland, Ore., has not only built two new light-rail lines, but has embarked on "smart growth" strategies to limit sprawl and to not expand highways. Yet today more people than ever drive alone to work in Portland, and transit's market share is lower than before rail was built.

None of the nation's top 15 states relies on mass transit less than North Carolina. This is reflected in the major metropolitan totals. The leader, at only 1.7 percent, is Raleigh-Durham, followed by Charlotte at 1.4 percent and Greensboro-Winston-Salem-High Point at 0.9 percent. Market share dropped by about 15 percent in Raleigh-Durham and 25 percent in Charlotte and the Triad. But predictably, local rail enthusiasts, masquerading as urban planners, seek to build urban rail systems. Already it is clear that the voters were misled in Charlotte, where they approved a system that could not possibly be built within the constraints of the available funding. With respect to traffic, no one would notice if mass transit disappeared tomorrow in North Carolina — and no one would notice if ridership doubled. The proposed rail systems wouldn't even accomplish that.

Still, mass transit is effective where the conditions are right — very large and dense downtown areas and high-density cores that are served by auto-competitive transit. For example, more than one-half of commuters to Manhattan, Brooklyn, and Chicago use transit. Outside these areas, little of the modern urban area is conducive to auto-competitive transit. The story is no different even in Europe, where Americans visiting rail-oriented tourist cores miss the suburbs where most people live, work, and commute by car because auto-competitive transit service is so scarce. The reality is that mass transit is about downtown and downtown alone. But, on average, only 10 percent of employment is downtown and most job growth is in the suburbs. Despite the hype, there is no prospect for mass transit to reduce traffic congestion. That has been clear for decades. CJ

Wendell Cox is a senior fellow of the Heartland Institute, and member of the Amtrak Reform Council.

Local Innovation Bulletin Board

Lighthouse Privatization

In 1996, the Mackinac Center for Public Policy published the article "Would You Like to Buy a Lighthouse?" In it, Burton Folsom, senior fellow for economic education, suggested that the federal government sell off its lighthouse properties. Since North Carolina maintains several lighthouses, and given its budget situation, this study offers a possible avenue for securing state revenue.

Folsom wrote that selling the lighthouses could be a win-win situation for all. Private investors would have a greater incentive to care of the historic treasures, the government would make money on the sales, and taxpayers could be relieved of subsidizing the properties, many of which are in disrepair. What has happened since? In 1999, the U.S. Coast Guard placed a single Michigan lighthouse up for sale, presumably to test the waters for possible future sales. The Granite Island Lighthouse was sold to an entrepreneur for \$86,000.

Granite Island is a forbidding rock in Lake Superior. Its first owner was a private citizen, Henry B. Lathrup, who had it taken from him by the state of Michigan in the 1860s for purposes of transferring it to federal ownership so Washington could build a lighthouse. After acquiring the island, Holman and his wife began planning its refurbishment.

They hired a videographer, a photographer and a project manager to document the condition of the lighthouse. The Holmans studied period lighthouses hoping to recreate an authentic 19th-century version.

As part of their research, they visited the National Archives in Washington, D.C. and asked the U.S. Park Service for information on the structure of original lighthouses. They also worked closely with Michigan's Historical Preservation Office and with private citizens interested in lighthouse preservation.

The interior of the lighthouse was a mess. Cracked roof plaster was falling from the walls, there was no glass in any of its window frames, and there was only one salvageable door. The roof that had survived through the decades was made of asbestos, and would need to be replaced. A hole in the roof had managed to replicate itself down through every level of the lighthouse, all the way to the basement. The roof would eventually be replaced using shingles chosen to replicate the original.

Armed with something the government didn't have — a private owner's incentive to improve the place — the Holmans removed more than 260 bags of plaster from the lighthouse before builders could install new drywall. Since there is no dump on the small island, garbage generated by the restoration had to be hauled ashore and disposed of properly.

From July through September of this year more than 500 trips were made to and from the island by three vessels carrying refuse from the lighthouse restoration. A single leg of the journey can take 15 to 90 minutes, depending on the weather. On one such trip, the barge car-

rying old plaster to shore sank and Holman and company had to dive to depths up to 70 feet to retrieve it. None of the contents spilled from the heavy industrial bags.

Another task was to haul propane, batteries, and a water pump ashore to provide basic energy needs. The 96-year-old derrick, which was needed to hoist supplies from boats to the island, had to be repaired. A new set of 420 steps had to be built from the base of the island up to the lighthouse itself. The primary work crew lived in a large tent Mondays through Thursdays, working 12-hour shifts. A portable, wall-less commode (similar to an RV chemical toilet) was hauled to the island for the workers' convenience and placed on the north end of the island to ensure "picturesque views" for its users.

After removing what could not be saved, workmen outfitted the island

with new electrical wiring, fuse boxes, batteries (which are charged by solar panels and wind generators) and high-speed Internet access, downloaded via satellite. The next step was to install nearly 10,000 square feet of new drywall. Workers then prepped the door and window areas for new, custom-made windows on the outside of the lighthouse and new

doors on the inside, including a set of French doors. Most of the floors were salvaged by the renovators, cleaned, and refinished after the drywall had been painted and other carpentry work done.

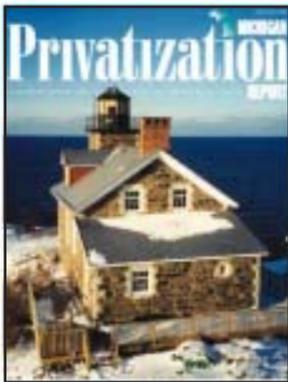
When the work of restoration was complete, the Holmans opened their property to public use. Its first public function was a fund-raising event for a theatre group from Marquette in June 2001.

They also allowed the National Oceanic Aerospace Administration to place webcams around the island to observe ice formation on Lake Superior. The Holmans have also hosted a nonprofit corporation's board meeting and visits by two state senators and three state representatives since buying and refurbishing the property.

In addition, the Holmans have installed equipment to record wind speeds, temperature, and other weather-related data. These are fed into a computer that frequently updates the weather portion of the Holmans' web site, graniteisland.com. The site's weather page is popular among Marquette fishermen and leisure boaters.

Rather than using Granite Island as an example of the benefits to be derived from allowing private ownership of lighthouses, state and federal leaders are back to responding to calls for lighthouse preservation in the usual way: by expanding the government's role.

This article was originally published by the Mackinac Center for Public Policy in Michigan. For more information, visit www.mackinac.org

Phillip Frye, Spruce Pine Mayor
And Native of Mitchell County

By ERIK ROOT

Associate Editor

MITCHELL COUNTY

CJ: Tell us about your history in North Carolina and Mitchell County.

Phillip Frye: I am a native of Mitchell County, and I was born here in 1943. I am 58 years old now. I graduated from high school in 1961. I attended Blantons Business College and received a degree in accounting.

I have always been interested in cars. A friend of mine had an auto upholstery shop right next to my dad's furniture upholstery shop.

My friend was wanting to sell the business, so I decided that was a venture I wanted to try. So, I went into business for myself in 1964 — Frye Auto Interiors. I specialize in auto restoration. I have been working on cars now for 38 years. I am still in business as a small businessman in Spruce Pine.

As I began my business life in 1964, I started to get involved with the community and became involved in several civic activities. I became president of the Jaycees for starters and then ventured into the merchants association. I also got involved in the Mitchell County Chamber of Commerce, the parent-teacher association, and so forth.

That background got me interested in the community life of Spruce Pine and Mitchell County.

Many people want to stay out of politics — they are willing to participate in civic activities, but stay out of the political arena. To me, politics is an extension of your civic activities. I call it being a civic politician.

If you want to be involved in your community and want to have a chance to shape its destiny a little more, there is no better way than to involve yourself in civic politics.

We are fortunate that we have a non-partisan board in Spruce Pine and that makes it easier to work with others. I ran for the [town] board in 1973 and I served continually for 20 years on two year terms. I ran for, and was elected, mayor in 1993.

I have been involved in politics for 29 years now on the local level and that has heightened my life that I have been in politics.

CJ: Politics has kept you busy.

Frye: It has been enjoyable. I have seen a lot of things happen to Spruce Pine — growth, expansion of water and sewer plants and facilities that have to be in place to entice industry.

I think Spruce Pine has been a leader of that in the Mitchell, Avery, and Yancey counties as the one to look to as being always able to provide business with basic infrastructure. We have always seemed to stay ahead of the game that way.

Our water and sewer plants are both in excellent shape right now.

CJ: So Spruce Pine is ready to receive industry. But your area has been hard hit by economic setbacks.

Frye: The biggest challenge facing us right now — the biggest challenge is the economy and job loss. This concerns all of us very much.

In our small county of Mitchell, which

is about 15,000 in population, we have lost over 800 jobs. These were good industrial and manufacturing jobs gone as of last year. It is mainly attributable to NAFTA (the North American Free Trade Agreement).

The furniture industry and the textile industry were big employers for us. We lost Lexington Furniture Industries and Vision. Most of those people employed are in re-training now and drawing unemployment.

The question is what happens when the unemployment compensation runs out. So, we are facing some fairly serious times right now.

To put this in perspective, a county our size to lose 800 jobs is equivalent to Buncombe County losing 12,000 jobs.

Another strong industry we have depended on for years is the mining industry. There is something that a group of us are working on. We are looking at the idea of going to the purchasers of these mining products and asking them to look at our area and ask them to come here.

We have a huge workforce that is ready to go to work.

CJ: A little about your political background.

Frye: Yes, I got involved in Region D Council of Governments in Boone in 1976. I have served continually since then for the regional council of governments.

I have also participated in the joint regional forum. There are representatives all across the state and we make recommen-

dations to the North Carolina Association of County Commissioners and the North Carolina League of Municipalities on matters involving regional issues. We meet in Raleigh bimonthly usually.

That is one of my pet projects, if you will. I believe in regionalism and a regional approach to solve our problems. If we join forces and combine efforts on a regional basis then you can make the dollar stretch much farther.

Government and agencies really appreciate cooperation among local governments — especially when you are talking about such things as regional landfills and water issues. Small towns and counties especially need to work together.

CJ: So you have had this decline in employment — a rise in unemployment — but you've also been growing in population?

Frye: Well, we have been cooperating with other counties like Avery with our water. This has been beneficial to the whole area.

The employment is not all bleak. We have attracted a Wal-Mart Supercenter, which has helped our employment problems. The wage scale of Wal-Mart does compare favorably with the manufacturing jobs that left the area. This helps fortify our tax base.

We are trying to renovate our downtown of Spruce Pine to become more of a tourism attraction. We do go after the tourist industry.

We are concentrating on making downtown a tourist stop with speciality shops and the like. But we are not counting on tourism, we need to work hard to make sure we have strong industry.

We have not experienced a tourist decline this year. We have been fortunate in that aspect, as people are not generally travelling much these days. Still, we are getting many from Charlotte, Raleigh, and Atlanta.

From Cherokee to Currituck

Monkey Business in Morrisville: Rail Station Goes to Cary Instead

By ERIK ROOT

Assistant Editor

Morrisville, a city that proclaims it is all about business and has little residential tax base, has lost its bid for a rail stop, *The News & Observer* of Raleigh reported.

The Triangle Transit Authority decided to reject the proposed stop that Morrisville city officials wanted and elected to place a stop in the city of Cary instead.

The TTA wants its stations to be located in high-density areas with a mix of offices, shops, and residential development. Morrisville wanted to place the station in a low-density area because of the excess congestion that would be caused in the area the TTA wanted the stop.

For Morrisville, the argument is confusing, because city officials boldly claim that they are more business-oriented, which by definition causes more commuter traffic than residential towns.

Mayor Peterson shows true self

Harper Peterson was elected mayor of Wilmington as a result of a "cross-pollination" effort to form a coalition of unlikely groups — African-Americans, Libertarians, and conservative Republicans fed up with the liberal republican establishment. Amazingly, they all agreed on the issue Peterson campaigned on: fiscal conservatism. However, since taking office, Peterson has not

fulfilled any of his fiscally conservative promises to the groups that supported his campaign. This has prompted many to say that Peterson is rhetorically a conservative, but a liberal in action.

Such was the case recently when Peterson began to investigate the possibilities of becoming more like Cary. Peterson is reportedly wishing to curb growth in Wilmington, the *Star-News* of Wilmington reported.

Nevertheless, the public shift has damaged the mayor, who has lost his base. The problem for the coalition is who will step forward as the real fiscally conservative candidate? One potential candidate, Laura Padgett, is Peterson's greatest rival. Padgett, whom Peterson recently removed from the transportation committee, is reportedly similar to Peterson in ideology.

Waste privatization?

Atlantic Beach is moving toward privatizing its sewage treatment, the *Daily News* of Jacksonville reported.

However, before they formally approve the move to a privatized system, the city council has decided a study should be conducted to determine whether it would save the town money.

School cafeteria privatization

The *News and Record* of Greensboro reported that the privatization of school

cafeterias has resulted in more choice for the students and better food. Guilford County will privatize its 100 school cafeterias. Guilford joins Winston-Salem/Forsyth, which has already signed a privatization contract, which will take effect this fall. Guilford is North Carolina's third-largest district.

The process is simple: Companies make money by streamlining operations and increasing sales, not raising prices or lowering quality.

The story reported other success stories of school cafeteria privatization.

The Chapel Hill-Carrboro School system privatized its system in 1994-1995. According to Associate Superintendent Steve Scroggs, "the move has worked well, both saving the district money and providing students with attractive, quality selections."

Guilford County estimates that privatization will save the system \$2.3 million next year.

Lang's duplicity

Cary mayor Glen Lang has been at the forefront of criticizing Gov. Mike Easley for withholding local government revenue to balance the state budget.

However, Lang confirmed Easley was right — that localities have more money than they know what to do with — when he said, "I think we have a lot of money at the town level, much more than we need, given the level of expenditures..." Those com-

ments appeared in *The News & Observer* of Raleigh.

Lang then proposed a 10-cent cut in the property tax rate. The move has left many wondering what has changed since Lang said in the past that localities cannot afford Easley's decisions to withhold millions in reimbursements.

What budget crisis?

The City of Greensboro is engaging in a spending spree while it raises taxes, the *Rhinoceros Times* of Greensboro said.

Even in these "tough" times, it appears that the Greensboro City Council has a few "sacred cows." Among items that cannot be cut are Health and Human Services and nonprofit organizations that provide such "services."

Many of the nonprofit organizations are headed by local elected officials. Groups that are funded: African American Atelier, headed by North Carolina state Rep. Alma Adams, and One Step Further, run by Mayor Pro Tem Yvonne Johnson.

Some of these groups get a free ride, at taxpayer expense, to use the Cultural Arts Center, the *Rhinoceros Times* reported. The council discussed the possibility of charging the groups to cover operating expenses.

However, the idea was dropped so as to "not ruffle the feathers of some nonprofit groups." If these groups were to test the open market, they would find themselves paying three times the amount proposed. *CT*

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National Review Ad

From the Liberty Library

• Abigail and Stephan Thernstrom are the editors of *Beyond the Color Line: New Perspectives on Race and Ethnicity in America*, a collection of essays about the changing racial and ethnic scene in a range of areas, including education, law, religion, immigration, family structure, crime, economics, and politics. The product of the Citizens' Initiative on Race and Ethnicity—formed in 1998 as an alternative to the one-sided official "dialogue" on questions of color—many of the 25 essays offer public policy recommendations. A common theme unites them—new realities require new thinking, and old civil rights strategies will not solve today's problems. Contributors include Michael Barone, Ward Connerly, Linda Chavez, Thomas Sowell, Shelby Steele, and Clint Bolick. Published by the Hoover Institution Press (www.hoover.stanford.edu/homepage/books/recent.html)

• The prolific David Horowitz has written *How to Beat the Democrats and Other Subversive Ideas*, which Spence Publishing calls "an indispensable manual for wartime politics." Horowitz says if the Democrats thought we'd forget who demoralized our military, eviscerated the CIA, and let America become a playground for terrorists, they're in for a rude awakening, and says *How to Beat the Democrats* makes sure it won't be politics as usual in 2002. More information available at www.themarketplace.com/Spence.

• Philip Gerard is author of *Secret Soldiers: The Story of World War II's Heroic Army of Deception*, about the men of the 23rd Headquarters Special Troops who were recruited to become phantom warriors in a ghost army to help win the Battle of Europe. A thousand strong, they fought in more campaigns, from D-Day to the Rhine River, with more Allied armies, than any other unit in the European Theater of Operations—yet not even their fellow American soldiers were aware of their presence. The Special Troops' mission was twofold: to deceive the German Army into believing that the Allies possessed more troops and material than they actually did, and to draw enemy fire on their position to allow other units to advance free of lethal resistance. Through the art of camouflage, sonic deception, and illusion this troop of men saved countless American lives—while sometimes losing their own. Published by Dutton, information available at www.penguinputnam.com.

• For an in-depth study of the beginning of the current state of Israel, Yoav Gelber's *Palestine 1948: War, Escape and the Emergence of the Palestinian Refugee Problem* is timely reading. Based on new or newly interpreted Israeli, British and Arab documents, this book attempts to integrate present controversies concerning the development of the Jewish-Palestinian war from December 1947 to mid-May 1948 and the consecutive Israeli-Arab wars. It follows the organization of both sides at the beginning of the war and the shaping of their respective war policies. Find out more at www.sussex.academic.co.uk. CJ

Book Review

Fool's Errands: Blueprint for Disaster in Afghanistan

• Gary T. Dempsey with Roger W. Fontaine: *Fool's Errands*, Cato Institute, 2001, 215pp., \$19.95

By GEORGE C. LEEF
Contributing Editor

RALEIGH
The destruction of the Taliban government in Afghanistan and its replacement by a new regime that is at least not certifiably lunatic has led to discussions on the role that the United States should play in that country's future. Some advocate a big "nation-building" program designed to create a model democracy. *Fool's Errands*, however, counsels that "nation-building" has in the past been a costly failure that we should stay away from in Afghanistan and everywhere else.

Authors Gary Dempsey, a foreign-policy analyst with Cato Institute and Roger Fontaine, who served on the national Security Council under President Reagan, here survey the history of U.S. interventions in foreign nations for the purpose of transforming them—to end violence, replace despicable rulers, promote democracy, and generally to make life less Hobbesian for unfortunate people. Most of the book is devoted to analysis of our most recent nation-building escapades: Somalia, Haiti, Bosnia, and Kosovo. In each case, we learn much about the futility and even counter-productivity of our efforts that strongly contradicts the official optimism spun out by the Clinton administration.

Dark days in Somalia

The recent movie *Black Hawk Down* reminded Americans about our unhappy adventure in Somalia in 1992-93. Dempsey and Fontaine fill in many details of that fiasco that were downplayed or entirely ignored by the media and Clinton administration spinmeisters. Although there certainly was starvation on a large scale in Somalia in 1992, the authors note that the worst of it had passed by the time of the nation-building operation, and the free food shipments were devastating to the efforts of

Movie Review

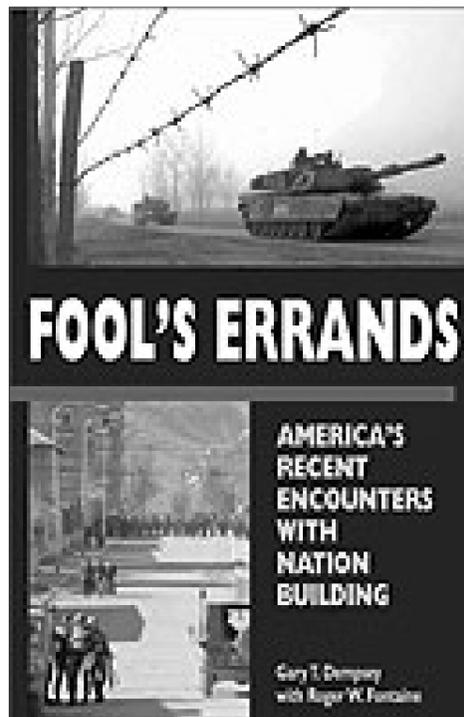
Sum of All Fears a Victim of Political Correctness

• *The Sum of All Fears*, 127 min, Rated PG-13

By HANSMARC HURD
Editorial Intern

RALEIGH
The Sum of All Fears is the fourth Tom Clancy book to be made into a movie, and is by far the weakest of the Jack Ryan franchise. Its disjointed storyline puts the audience to sleep and it takes the obliteration of Baltimore in a nuclear attack to grasp the viewer's attention.

In the movie a nuclear bomb is stolen from Russia by a pan-European neo-Nazi group (an oxymoron if I ever heard one) to blow up Baltimore in order to trigger a nuclear war between the United States and Russia. Meanwhile, Jack Ryan, played unconvincingly by Ben Affleck, races to discover what happened to the missing bomb. The greatest mystery of the movie is not whether he will discover the true perpetrator of the attack (he will), or whether he will be able to stop the nuclear destruction of Baltimore (he won't), or whether he will prevent all-out nuclear war (he will), the biggest mystery is how Jack Ryan was able to suddenly grow 30 years younger and



Somali farmers. Moreover, the U.N. and American peacekeeping force, far from reducing the level of violence, actually raised it. The authors write, "Many Somalis... came to view U.N. peacekeepers as just another clan, with its own set of enemies and allies, fighting to get its way. The round of warfare that broke out between UNOSOM II and Aideed would last for four months and produce thousands of casualties."

Most enlightening of all is the authors' postscript on Somalia, "By 1997, two and a half years after the last U.S. troops departed, commerce was booming in Somalia, the markets were full, and people who had previously eked out their existence with the barrel of a gun had gone into business importing, exporting and transporting goods." Peace—at least as much as the Somalis had ever known—had returned, despite our useless meddling.

Clinton's next fiasco: Haiti

Haiti was the next of Clinton's nation-building exercises. When a military coup

deposed the elected president, Jean Bertrand Aristide (and elections in Haiti are anything but reliable expressions of popular will), Clinton pressured the Haitian military to give up power to the supposed democrat Aristide.

Through economic sanctions that managed to depress the already low standard of living to abysmal levels, the United States got the ruler it wanted. Once Aristide was in power, U.S. troops were sent in to help keep him there and support a variety of structural changes Washington wanted to make.

But it was all for naught. The authors explain that, "Few, if any, in the Haitian government favor a working market economy or even understand what the term means, and no political culture prevails with widespread acceptance of the habits, beliefs, and values that sustain... democratic institutions." Aristide rules Haiti with an iron hand and progress is imperceptible.

Bosnia and Kosovo have been more of the same—costly, feel-good political grandstanding that changes nothing. An anecdote will convey the absurdity of it all. One of the top nation-building officials announced a program that was designed to reduce ethnic hatreds in Bosnia. He was going to have 300,000 T-shirts printed up with the new, Western-imposed flag of Bosnia and see that they were distributed to a cross-section of Bosnian children. There is no evidence that children of the rival Bosnian groups are being won over to the ideas of peace and democracy due to the wearing of T-shirts.

There is, however, evidence that many Bosnian adults are coming to depend on the inflow of American aid. Nation-building, it turns out, has a lot in common with domestic welfare schemes.

Nothing in the U.S. Constitution authorizes the president or Congress to engage in foreign nation-building. This timely book shows how wise the Founders were in trying to limit the federal government to just a few necessary domestic tasks.

Transform other nations? Forget about it! CJ

turned into a junior CIA agent, who just started at the agency, sans wife and kids.

The motley ensemble of neo-Nazi Eurotrash is made up of an unlikely collection of university professors and rich industrialists, who hope to increase European power by facilitating the destruction of the United States and Russia. It seems to have completely escaped their attention that Europe sits right smack in between the two sides and would end up bearing the brunt of the fallout from the conflict. Indeed, they never make a convincing case of how they would actually benefit from engaging in this high-risk caper, or how they could keep their part in it hidden from detection.

Those familiar with the book might not be able to remember the appearance of neo-Nazis. In the book Palestinian fanatics set off the bomb because they were angry over a U.S. settlement of the Mideast crisis. However, the Council for American-Islamic Relations protested against against the stereotyping of Arabs. CAIR, which itself has supported terrorist Palestinian groups in the past, won and the protagonists were changed to European neo-Nazis. Apparently, in politically correct Hollywood, only white men can be bad guys,

since they're the only ones without a lobby. In the process, the story was robbed of any coherence, leaving the movie poorer for it.

The Sum of All Fears serves as a frightening example of how far censorship has come in Hollywood, when entire subject matters are placed off-limits due to the proliferation of pressure groups. Soon all the bad guys will be aliens (the extra-terrestrial, not the illegal kind).

Besides the weakness of the story, the movie suffers from an unconvincing hero in the form of Affleck. Affleck doesn't come across very believable as either an ex-Marine captain (in one scene he is quite uncomfortable with a gun), or as someone with a doctorate in international relations. Affleck is out of his depth in this spy-thriller, his smart-alecky personality is not serious, or deep enough for the role.

This lackluster fourth installment of the series probably dooms the previously successful series, not only because Hollywood's desire to not offend anyone will make it impossible to convert any of Clancy's latest works to celluloid, but also because another Ryan movie with Affleck would be too horrible to imagine. Now that would be truly the sum of all our fears. CJ

Book Review

Serving the Word: Examining Literalist Styles of Interpretation

• Vincent Crapanzano: *Serving the Word: Literalism in America from the Pulpit to the Bench*, New Press, New York, (2000) 406 pages paperback edition.

By KORY SWANSON

Contributing Editor

RALEIGH
When I use a word," Humpty-Dumpty said, in a rather scornful tone, "it means just what I choose it to mean—neither more nor less."

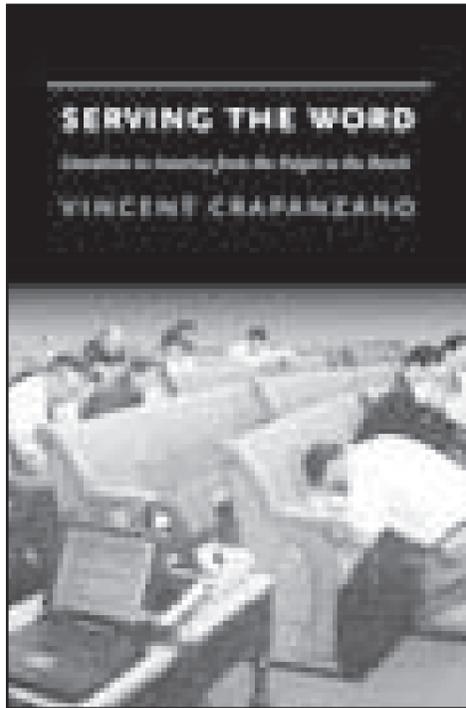
"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty-Dumpty, "which is to be master—that's all."
—Lewis Carroll, *Alice in Wonderland*

To necessarily oversimplify, but not by that much, postmodern thought sees the world as encounters among competing power structures. And ultimately, in spite of all the academic fine-hair splitting, what reality comes down to, as Humpty-Dumpty cynically notes, is who is in control. In this view, all interpretive modes are instrumental, serving to promote the dominance of a particular social or political agenda. Indeed, the Ninth Circuit's Pledge of Allegiance decision will be seen by liberals—if they admit their true colors—as wresting control to the right to determine whether "one nation under God" literally means "one nation under God"? and, hence, promotes religious monotheism as "a national religion." In the case of the Pledge of Allegiance, liberals are intent on countering the alarming (to liberals) moral and political influence of religious Fundamentalists and legal conservatives who adhere to "textual originalism."

A system of interpretation

In his disturbing and complex book, *Serving the Word: Literalism in America from*



the Pulpit to the Bench, an examination of literalist styles of interpretation, the eminent anthropologist Vincent Crapanzano admits to being a practitioner of this postmodern methodology. But for this study, he has chosen not to examine his subject, literalist styles of interpretation, in terms of particular social and political issues. Rather, he has taken two of its main expressions found in the United States—Christian Fundamentalism and legal thinking that gives priority to "plain meaning," "original meaning," or "original intent"—and looks at them as a system of interpretation, focusing on the play between what Fundamentalists and originalist have to say about interpretation and how they actually carry it out.

As Crapanzano explains:

I have chosen to focus on these two domains because of their real and

symbolic significance in American social and cultural life. They exemplify literalism. They illustrate its range, its pervasiveness, its effect on everyday life. They point to the moral implications of interpretation, which are generally ignored in secular society and even in many philosophical circles. Although neither the Fundamentalists nor the legal literalists...are numerically significant, they have very considerable moral and political influence today.

"Referential function" of language

Central to literalism is the "referential function" of language, i.e., the notion that words refer to things out there—they name them. Sentences are primarily propositions about reality, or they can be so construed. And our conventional understanding of the written word gives to the texts we write and read an illusory stability and independence. According to Crapanzano, this is perhaps the central tenant that connects Fundamentalism and legal originalism. For the Fundamentalist the canonical, stable text is the Bible; for the legal originalist it is the U.S. Constitution. These texts become transhistorical, giving them a timeless, authentic, and authoritative meaning. The task of interpretation is to lay bare that meaning so that it may be truly projected forward into the present and become determinative of that present.

The introduction is concerned with theories of interpretation and language. This is the most difficult part of the book, but it also provides a fascinating look at what is being taught in our colleges and universities. Part I of *Serving the Word* is devoted to Christian Fundamentalism, with Chapter One focusing on the history and theology of Fundamentalism. The second chapter, Sanctification, is concerned with the application

of biblical truth to everyday life. And Chapter Three examines how fundamentalists and other literalists understand time and history.

Part II of *Serving the Word* concentrates on legal originalism with Chapter Four introducing the U.S. Constitution and its history and interpretation. Chapter Five is concerned with the foundational role of the Constitution, centering on the textual theory of Antonin Scalia. And in Chapter Six, Crapanzano focuses on the interpretational approach of legal scholars such as Robert Bork, who insists on the need to determine original intent in the interpretation of the Constitution and other legal texts. Chapter Seven examines the role of precedent in the reading of the Constitution. Crapanzano concludes the book with his personal reflections on his findings.

To be clear, Crapanzano is no friend of the academic or political right. However, *Serving the Word* is necessary reading for anyone who wants a deeper understanding of "literalism" as well as a fascinating look into the world of the Fundamentalist (Crapanzano did extensive interviews with Fundamentalists in the Los Angeles area), and a more contentious but less-convincing look at how "literalism" animates the thinking of legal conservatives.

I say less convincing because an irritating feature of Crapanzano's analysis is his different treatment of the Fundamentalist and the legal originalist. He has an almost reverential sadness for the Fundamentalist, and a disgust—a you-should-know-better—attitude toward the legal originalist. For he sees the Fundamentalist as earnest and sincere in his beliefs.

The legal originalist, on the other hand, is an instrumentalist promoting the originalist view when and where it will serve him best. In other words, the legal originalist is nothing more than a power broker, trying to be Humpty-Dumpty, just like his postmodern counterpart. CJ

Book Review

Sixteen-Trillion-Dollar Mistake: A Misguided Exercise in Socialism

• Bruce S. Jansson: *The Sixteen-Trillion-Dollar Mistake*, Columbia University Press, 2001, 496pp., \$27.50

By DON RACHETER

Guest Contributor

RALEIGH
The *Sixteen-Trillion-Dollar Mistake* by Bruce S. Jansson is an interesting, but fundamentally flawed, book. Those who share Jansson's ideological position will find the book a treasure-trove of information to support their preconceptions. Most normal people, however, will be hard-pressed to wade through the tome's biased pontificating and economic misconceptions.

Jansson starts out innocently enough, writing "I began this research with the suspicion that Americans had made numerous errors in their national priorities from the presidencies of Franklin Roosevelt through Bill Clinton." Virtually any well-read American can point to governmental blunders in the allocation of resources, and from the book's title, you might surmise that the author is about to pitch into the tremendous waste that we have seen in federal farm subsidy programs, housing programs, welfare, education meddling and so forth. But no—Jansson is a professor of "Social Work" and his complaint is not with those familiar boondoggles. Instead, he is upset that our

"national priorities" have not matched his utopian dreams.

In an interview distributed by publisher Columbia University Press, Jansson was asked, "How can a noneconomist, nonmilitary expert, nonbudget expert intelligently criticize budget decisions of various Presidents and Congresses?" to which he answered, "To the research and recommendations of these experts, I have added value judgments." Politicians, it hardly need be said, are not "experts," but Jansson's "value judgments" are for the most part absurd, reflecting a socialistic mindset that uncritically accepts the efficacy of government to solve "social problems" and looks askance at free enterprise.

As a longtime taxpayer activist, I believe the money Americans earn should be theirs to do with as they choose. Jansson's view is just the opposite: "Failed priorities stem from misguided tax rates at excessively low levels, thereby depleting the resources available for military or domestic programs." He grumbles that "members of Congress have often curried favor with voters by cutting taxes, even though they needed money to address domestic or international needs." In short, what Jansson gives us is the old Galbraithian argument that we are starving the public sector by leaving so much money in private hands.

The sixteen trillion-dollar mistake, in the author's mind, is that the government hasn't grown far bigger than it is!

Reaching back into history, Jansson argues that FDR made a "mistake" in failing to raise taxes in order to adequately fund the New Deal. "Historians often portray the New Deal as mammoth," he writes, "but it had relatively few resources." Jansson here is entirely oblivious of the well-argued case that the New Deal was a great hindrance to the economy's recovery.

Not enough taxes

Our author also echoes the jaded leftist cry that corporations are undertaxed. The problem here is that people who have studied the economics of taxation have generally concluded that the incidence of taxation doesn't fall on corporations, but instead falls in various groups of people—customers, workers, and stockholders. Unfortunately, all of his research never brought him into contact with analysis that pulls the rug out from under his argument.

Higher taxes, Jansson argues, would give the government more revenues for all those programs that liberals hold sacred—Head Start, Medicare, welfare, foreign aid etc.—while not affecting productivity. He thinks it a myth that high taxes stifle the

economy and lead to rising unemployment, but never comes to grips with arguments of serious economists that by siphoning resources out of the private sector, the government necessarily reduces its ability to employ people and produce goods and services. It never occurs to Jansson to compare the economic performance of high-tax and low-tax nations.

The military is a favorite whipping boy throughout the book. It's true that the Pentagon doesn't always spend funds wisely, but Jansson paints with an extremely broad brush. He claims, for instance, that the military buildup under President Reagan was completely unnecessary. Tell that to the Poles, Estonians, Hungarians and other eastern Europeans who would still be living behind an iron curtain if the military had remained at Carter-era quantity and quality. The Soviet Union would probably still be expanding rather than having imploded.

There is little to be learned from this feeble book except that limited government scholarship and basic economics still have not penetrated far into academia—especially schools of "social work." CJ

Dr. Donald Racheter is professor of political science at Central (Iowa) College and president of Public Interest Institute.

Lying with Politicians Will Give You Fleas

Happy anniversary to me. One year ago I came to the big city to join the John Locke Foundation. Since that time I have witnessed the worst budget crisis in North Carolina's history, a redistricting donnybrook that promises to bring genuinely competitive elections to the state in more than 100 years, and a campaign to institute a state-run lottery. That's a lot of news to digest, even for a seasoned newspaperman.

Like Frank Capra's naive Mr. Smith, who went to Washington to learn a thing or two from the big boys, Mr. Wagner fell off a turnip truck one steamy summer day at the steps of the State Capitol. Brushing the dust from his britches, the hayseed stumbled a couple of blocks over to his new office, where he could gawk at the goings-on in state government.

Now, let me say right here that lately I've been itchin' to stretch the truth a little bit — OK, maybe a whole lot. But I learned that that's no problem in Raleigh. Politicians do it all the time.

Richard Wagner

Back home in Texas we used to call it lyin'. Not here. In fact, I don't know what they call it in Raleigh, but it doesn't resemble anything that my mamma said was the truth. At least that's what she said just before she switched my hiney with a mesquite twig for telling just a fib.

Politicians, though, don't get whippin's. Maybe that's why they keep on lyin'.

Some of my friends back home ask me what I do for entertainment in Raleigh. That's a real rip snorter, I tell them. Raleigh is nothing BUT entertainment.

Rome's Coliseum, from what I've read, was a lot like North Carolina's Legislative Building. The people's representatives, or what I think of as the lions (not the noble kind), conduct their business in a pit. Above them sit the plebeian folk.

Just like at the Coliseum, a patrician—the speaker of the House or the president pro tempore of the Senate—tosses out a piece of raw meat onto the floor. The meat actually is what they call, innocently sounding, a bill. Not so innocently, the bill frequently targets a group of taxpayers.

Once the meat, i.e. taxpayers, is tossed into the pit, all hell breaks loose. Most of the lions, usually ravenous Democrats, pounce on the meat immediately. The other lions, the Republicans, leap onto the Democrats' backs. It's not a pretty sight, and I'm surprised that they invite schoolchildren into the gallery to see it.

It doesn't take long before most of the meat is devoured. What's left goes to the emperor, who lords over all from his lair across the street at the Capitol. The emperor decides, thumbs up or thumbs down, the fate of the taxpayers. It's always a done deal, though. You guessed it: thumbs down.

I'm still not sure, after a year of observing, what Gov. Mike Easley does.

I know he spends a lot of time, like an adman, dreaming up catchy phrases and jingles. Let's see, there was his "No Excuses," speech about the state budget. Then there was his "Clean Smokestacks" legislation. My No. 1 hit, though, was his toe-tappin' "More at Four."

Then there was the time he dressed up some of the Capitol statues in Carolina Hurricanes hockey jerseys. He made George Washington look like a drag queen. In my hometown, Sweet William liked to dress himself and his dog the same way.

I don't see how any following year could match the last one. I can see I still have a lot to learn. Maybe someday I could write a book about "Mr. Wagner Goes to Raleigh." A movie could follow... Naw, this time they'd bull-whip me back in Texas. *CJ*

Richard Wagner is editor of Carolina Journal.

Editorials

EXPLORE EXPLORIS

Let the museum stand on its own or die

In the real world, when an enterprise fails to fulfill expectations using its own resources or must report failure to its stockholders, there are serious consequences. But when one considers projects or programs subsidized or fully paid for with taxpayer funds this is not the case. Indeed, more often than not a program or project reliant upon such funding will waddle back to the trough demanding ever more taxpayer funds because there is never enough or the program is so bereft of support that it cannot become a self-reliant enterprise.

Thus is the case with the Exploris children's museum in Raleigh. It's intention is to expose children to the kaleidoscopes of cultures and peoples that define the human race throughout the world. While the idea sounds attractive, Exploris has become a disappointing project and a sinkhole for precious taxpayer dollars.

Open for almost three years now, the museum's budget has a deficit of \$5.6 million. Of that amount, \$3.3 million is from the 2001 fiscal year. As it is, Exploris has received \$7.2 million in tax money from the state, \$29.5 million from county taxes on hotels and meals, and only \$14.5 million in private donations from individuals and corporations. The museum received \$1.4 million from the Wake County government this year and \$1.5 million last year.

Attendance is problematic, too. From October 1999 when it opened through June 30, 2000 the museum had 135,000 visitors. In its second year that number was only 100,000. With the opening of the neighboring IMAX theatre last November, Exploris President Anne Bryan claims the combined attendance for the museum and the theater should have hit 200,000 by the end of June. But for the 2001 fiscal year, Exploris raised a fairly minuscule \$695,157 through admission charges, membership fees, and various other fees.

Philanthropy Journal Editor Todd Cohen has referred to Exploris as a "philanthropic sinkhole." He reported that the other children's museums around the country spend an average of \$9.95 per visitor. Exploris? The cost is \$22. On the other hand, if one divides the Exploris budget of \$6.46 million for fiscal year 2001 and assumes 160,000 visitors that year as the numbers indicate, the museum spent \$40.38 per visitor.

Rumor has it that Exploris was to become a self-sufficient entity. It has yet to do so, and the odds are that even five years from now its officials will be pining at the trough for yet more subsidies for an enterprise that cannot sustain itself without undue public support. Indeed, Wake County Deputy Manager Joseph Durham has noted that "the intent is that (Exploris) will at some point in time be

self-supporting, and these funds are not intended to be there for the life of the program."

But Anne Bryan, whose sister has been paid \$115,390 as a consultant for fund-raising, has said, according to *The News & Observer* of Raleigh, that "it is unlikely that Exploris will ever be completely self-supporting, without funding from the county."

So which is it? While there is certainly nothing wrong with exposing children to different cultures, to a variety of human interaction, it is also hard to justify taxpayer subsidies for a project that, first, claimed it could eventually pay for itself and, second, would offer enlightenment to youngsters who might not otherwise be exposed. Yet even boosters of Exploris have testified about their disappointment in the quality of its exhibits, the lack of inspiration generated by its exhibits, and the museum's high costs, which are paid for by taxpayer subsidies during a state budget crisis.

Abolishing Exploris and getting our children to read offers a more rewarding and wiser investment than Exploris ever could.

Lesson from Columbus

In 1492 when Columbus first voyaged westward, his crew, faced with unknown waters, was uneasy, facing an uncertain destination. They were oblivious of the length of their journey. As a result, Columbus composed two logs, one a short version of the distance traversed, another presumably more accurate,

based on his own reckoning. This led the crew to believe they were not so far from home as they actually were.

Conversely, Sir David Edgeworth, an Australian explorer and geologist who lived from 1858 to 1934, offered wisdom that supporters of Exploris should take to heart. During an exploration of the South Pole his assistant, Douglas Mawson, heard the call of Edgeworth as Mawson toiled in his tent documenting their excursions. Edgeworth, annoying his assistant and in need of help, cried out with a plea for support when he offered the exclamation, "Well, I'm down a crevasse, and I don't think I can hang on much longer."

Exploris, despite its high intentions, is in a crevasse, too. It eternally will cry for help whatever the rhetorical justifications its officers and benefactors might proffer. Despite original plans and Edenic dreaming the museum is unlikely to ever see a profit.

In Cohen's words, its "congenital lameness" is indicative of its uselessness. Without a complete revamping, a new and viable privately oriented marketing strategy, and a rigorous budget, Exploris is doomed to be just another white elephant in the swamp of government largesse. Parents would do better to encourage their children to read, and read profusely.

Joris Karl Huysman noted in 1884 that one could engage in "explorations while near one's own fireside, stimulating the restive or sluggish mind, if need be by reading some narrative of travel in distant lands."

Abolishing Exploris and getting our children to read offers a more rewarding and wiser investment than Exploris ever could. That requires parents to be more involved in their children's education. And that, surely, is an idea worth exploring.

No DOUBLE-DIPPIN'

Teacher loophole should end now

How often is the common man allowed to gain usurious compensation when it is obtained through nefarious means? And to what degree should teachers, icons of public service and dedication, be compensated for their efforts?

The obvious answer is to compensate them well within the means of a strictly defined market. But that compensation should, at the same time, be singular and offered with no contradiction. The most recent data available, offering teacher salary rankings for 2000-'01, put North Carolina at 21st in the nation with 95.9 percent of the national average in salaries alone. Clearly, progress has been made.

Yet problems remain. And they do not comprise the dilemma so often discussed with respect to a lack of proper compensation for teachers. What is objectionable under current policy is that teachers can engage in "double-dipping" as they resign one position, reap the benefits of a retirement pension, and at the same time become re-employed as full-time working teachers. Thus they receive both the full time salary *and* a pension for previous teaching experience. Sounds like a pretty good deal for those who can get it. But most of us can't. So why should teachers be any different?

It is troubling that North Carolina faces a shortage of teachers. Nonetheless, the solution to that dilemma is to extend the current employment of teachers rather than allowing them to retire in June of any given calendar year, and work an additional full year, at full salary while *also* beginning to collect their pension. The provision applies also to administrators. And if "retired" teachers wait a full

six months after their initial departure, they can teach for several more years at full pay, collect the pension earned from their first teaching position and thus "double-dip" into the taxpayers' wallets.

A recently proposed piece of state senate legislation would address the first of these conditions while retaining them under the six-month rule. It would also provide that "retired" teachers who return to the classroom could collect only one half of a full-time teacher's salary. Again, the real solution here is to require any teacher who wishes to keep teaching, even following a temporary hiatus so they can collect two incomes, to actually keep teaching at the stipulated salary and not collect on their pensions until they actually retire — for good.

There is a lot to be said about the tribulations that public school teachers must endure. There is stress and sacrifice involved. But this is true also with many other professions, not the least among them firefighters, police officers, and rescue workers. They should be compensated justly for the work they do. Nonetheless, this is work that each of these people has *voluntarily* chosen to do in full awareness of the compensation available.

Frankly, if they do not feel their work is properly rewarded — whether by monetary compensation or by the spiritual rewards that come from helping others and doing good work, or a combination thereof — there is a very simple solution: Find another line of work.

The very nature of such occupations implies a desire to sacrifice for the common and the greater good. Such mundane matters as teaching our children or saving lives or enforcing the law are the sinews that tie our culture together, that give our society so much of its definition.

We don't always do these things as well as we might desire, but the fact that there are people willing to do so without expecting to get rich for their passion is part and parcel of what makes America such a wonderful place.

come and widespread. For economic reasons alone, "urban sprawl" has encouraged independent and affordable home ownership, safer neighborhoods, and, for a variety of reasons, better health.

Historian Richard Hofstadter once said that "the United States was born in the country and moved to the city." But later social forces led many Americans — 45 percent by 1990 — to live in the suburbs. This trend results in high levels of homeownership on larger lots and, yes, longer distances to travel to and from work.

But what the Tilsons and the Ropers of the world appear to want, in tandem with the CDC, is more akin to social engineering than it is to any serious concern about our health.

And as *The News & Observer* of Raleigh reported Jan. 16 "even if suburbanites are better off, Tilson said, that's not the point." Oh really? Then what, exactly, *is* the point? The question answers itself.

Call it urban sprawl, call it suburbia, call it what you wish, the fact is that people who live in America's suburbs are among the healthiest people in the world. Certainly this is tied to levels of education, to the quality of their insurance, and to the fact that they tend to be prosperous. And if they wish a large lot with convenient shopping centers and a longer commute to their place of work, then why shouldn't they have it if they've earned it?

Inner-city living is characterized by more severe health problems and a higher incidence of crime. Much of this is money-driven and much of it is an enduring cultural morass that only effective governance, law and order, and individual initiative can remedy. Rural areas tend to be poorer and don't have inner city crime problems but do lend themselves to people having poorer health.

What's more, those promoting the idea that "urban sprawl" causes undue health problems want people to walk more, as suggested by Durham landscape architect Dan Jewell.

And they probably like the idea of high-speed transit rail. But walking is not practical for most people, and the fact is, Americans don't like mass transit.

But Tilson believes we need to design our living areas to coax people to get off their rear-ends. "The environment that we live in gives us subtle but compelling signals about physical activity," he said. "If you create barriers to being physically active, people will be physically inactive."

It is easy to see where this is going. There have already been several lawsuits filed against the likes of McDonald's and Burger King by obese customers who blame the restaurants for a failure to control their own appetites.

The effort to tie the social engineering of "urban sprawl" to having the nanny state watch our waistlines and gauge our blood pressure makes one's blood boil. And that, surely, is not good for our health. CJ

Real UNC Scandal Isn't about Islam

The University of North Carolina is an inherently political institution. It was created by politicians, is governed by politicians, and is funded overwhelmingly by taxpayers. So it gets tiresome, every time there is a controversy at one of the campuses, for university leaders to claim an exemption from political oversight or to pretend that Joseph McCarthy is lurking in the shadows whenever critics question what UNC does.

The latest dust-up concerns a freshman reading assignment at UNC-Chapel Hill. Over the summer, students had to read *Approaching the Qur'an*, a translation and commentary on parts of the Islamic text. Once school started, students were to participate in mediated discussions about the book.

Not surprisingly, once the requirement went public — on Raleigh radio station WPTF-AM's "Jerry Agar Show" and later on national news networks — the university came under heavy criticism. Also not surprisingly, UNC-Chapel Hill Chancellor James

Moeser responded with the usual pabulum about academic freedom and the need to teach tolerance.

My own view is that a freshman reading requirement is a good thing, given the lack of a real core curriculum at the university, and that the choice of a study of Islamic culture made sense in this era of war between the civilized West and Islamic fascism. It was the choice of the book that was flawed.

Rather than assigning a text reflecting a single professor's (selective) views of early Islamic teachings, UNC-Chapel Hill could have picked from a vast array of just-published, scholarly works on the modern Islamic world or the threat of radical Islamic terrorism. Instead, Moeser and others clearly chose a text designed to downplay the negative and accentuate the positive — which was not an appropriate intention either academically or if the goal is to inform young citizens about the dangerous world they are entering. The hypocrisy galls UNC's critics, who correctly point out that the university would never require all freshmen to read a book by Pat Robertson purporting to "interpret" the Gospels.

I guess what most distresses me about this controversy, however, is that it has distracted North Carolinians from the real scandal: the University of North Carolina is manifestly failing to recruit and graduate a qualified student population. Only one-third of the system's incoming freshmen will graduate four years later. More distressing, more than 40 percent of UNC freshmen never graduate. This is a staggering waste of time and money. Each year a student lingers on campus costs taxpayers about \$9,000 and depresses the economy by delaying the development of useful skills on the job.

There are many causes for low graduation rates. Admissions standards are too low. Tuition is far too low. Students are allowed to maintain full-time status with only 12 hours of classes per semester, though an average of 15 is needed to ensure timely graduation. Students can't find the lower-level courses they need to fulfill requirements because administrators allow faculty members to avoid these "boring" courses in favor of teaching boutique courses of interest mainly to themselves.

The real university scandal is not a freshman reading requirement. It is how comfortable UNC leaders and their patrons have become with a system that benefits the academic class at the expense of the rest of us. Next summer, let's make all UNC administrators, professors, and state legislators read a basic text on economics or public finance and then sit down with groups of average taxpayers to explain why the system should continue to receive almost \$2 billion of their money to squander. CJ

Hood is publisher of Carolina Journal.

SPOILING SPRAWL

Does growth hurt our health?

Hypochondria may be described as a condition of morbid anxiety about health. In America today, this overweening and clumsy paranoia has distorted judgment on everything from the use of tobacco products, to guns, to Big Macs, and even hot coffee. Of particular import to the Triangle and other prospering North Carolina communities is a meeting that was held in mid-January of this year by a congeries of professors from UNC's School of Public Health in tandem with the national Centers for Disease Control and Prevention in Atlanta. According to Dr. Hugh Tilson, a professor of epidemiology in Chapel Hill, "It's clear that urban sprawl is one of the important contributors to our epidemic of heart disease, diabetes, asthma, and obesity." Dr. William Roper, who supervises Tilson and his work at UNC, also believes that developers should take into account the effects of so-called "urban sprawl" on the health of those citizens who live in highly developed metropolitan areas. But as Bruce Smith, president of the National Association of Homebuilders, has so delicately said, "We'll all be better off if they stick to what they do best — fighting physical diseases, not defending political ones."

Of course, we have also been told for decades that high-density urban living is bad for one's health, too, given its impact on the quality of the air we breathe, on the anxiety levels that tend to rise with tightly bound urban environments, an increased incidence of traffic accidents, and on and on. So high-density development is bad, too. Now we are told that "urban sprawl" will kill us, too. One must then suppose the only answer is to live in tents in open fields. But in that instance we not only endanger ourselves by exposure to the elements and a lack of quality health care, we must also grow crops and kill other animals to survive. Whichever way we turn, whatever lifestyle we adhere to, we are somehow, somewhere, in some way hurting ourselves and any living element with which we come into contact. But truly, the health angle in any discussion of "urban sprawl" is just another arrow in the quiver of those who wish to micromanage our lives according to their standards.

Many observers — among them Jane Jacobs, an eminent historian regarding the rise and fall of cities — have noted that as society becomes more centralized where process is concerned, it also becomes less centralized in a physical sense. Especially in the United States, with the exceptions of several major cities, this development is both wel-

Editorial Briefs

Social Security worse for blacks

Blacks rely more heavily than other demographic groups on Social Security for their retirement income. According to the Cato Institute, three of four black retirees rely on Social Security for half or more of their retirement income, and 37 percent rely on Social Security for all of their income.

Although Social Security's rate of return is dismal for all Americans, it is particularly bad for blacks. According to a new study, a 20-year-old black male can expect a real rate of return of only 0.73 percent, while a white male can expect a return of 1.82 percent.

White 20-year-old males can expect 47 cents in benefits for every dollar they pay in taxes; 20-year-old black males can expect to receive only 34 cents.

This is so because the rate of return on Social Security taxes paid is inherently linked to length of life, and blacks have a shorter average life expectancy than whites across all income levels.

The average life expectancy at birth for a black male is 67.8 years, while a white male can expect to live to age 73.9. Average life expectancy for a black woman is 74.7, compared to 79.4 for a white woman. Thus a black male can expect to pay Social Security taxes his entire working life but receive less than a year of benefits. White females will collect benefits for almost five years longer than black women.

Blacks average nearly \$21,000 less than whites in lifetime Social Security benefits, according to President Bush's Commission to Strengthen Social Security.

Forest fires blamed on environmentalism

In a briefing to Congress, U.S. Forest Service chief Dale Bosworth said that if proper forest management had been implemented 10 years ago, and if the agency wasn't in the grip of "analysis paralysis" from environmental regulation and lawsuits, the Hayman fire in Colorado wouldn't have raged like an inferno.

According to Bosworth, of the 192 million acres the Forest Service administers, 73 million are at high risk from fire. Tens of millions of acres are dying from insects and diseases. Thousands of miles of road, critical to fighting fires, are unusable.

Those facts back up a General Accounting Office report that says that one in three forest acres is dead or dying.

When the Clinton administration was in power—and allied with militant "green" groups—federal policy was to return forests to their "natural" state. Timber harvesting was cut by 80 percent and vast tracts of land were put off limits to commercial use.

As a result, many areas have more than 400 tons of dry fuel per acre. Before the Clinton administration limited timber sales, U.S. forests helped pay for their own upkeep. Now the GAO says taxpayers will have to spend \$12 billion to cart off dead wood.

Overpayment for Medicare supplies

Medicare and its beneficiaries are paying above-market prices for medical supplies, according to a new report from the inspector general of the Department of Health and Human Services. The study looked at 16 common medical items that Medicare paid \$1.7 billion for in 2000. If the agency had paid what the Veterans Administration paid for the same items, it would have saved \$958 million.

Some of those savings would have been passed on to Medicare beneficiaries, who pay 20 percent of the cost out of pocket unless they have secondary insurance to cover their copayments.

For example, Medicare pays \$8.68 for 1,000 milliliters of saline solution; the VA pays \$1.02.

A standard wheelchair costs Medicare \$570.68, compared to \$127.72 if purchased by the VA.

Sen. Tom Harkin, D-Iowa, chairman of the appropriations subcommittee on health, said Medicare is often locked into paying escalated prices because the House weakened legislation in 1997 that gave Medicare authority to reduce payments to reasonable levels. *CJ*

Deep in Scandal, Phipps Should Resign

By THOMAS PAUL DE WITT

Opinion Editor

As six of North Carolina's leading metropolitan newspapers have suggested, it is time for our state's agriculture commissioner to resign. While there are many reasons to justify her departure, there is one in particular that has not been given due coverage.

Yes, Meg Scott Phipps is incompetent and negligent. She claims she was, according to her own testimony before the State Board of Elections, "intentionally unaware" of the actions of campaign aides, as reported by *The News & Observer* of Raleigh, in their consistent and egregious violations of campaign finance laws. But the most distressing point is that if she had not engaged in illegal fundraising, she would not now be North Carolina's commissioner of agriculture. For this reason alone, she should resign.

Phipps won the 2000 agriculture commissioner's race with 51 percent of the vote to Republican Steve Troxler's 49 percent, a difference of only 31,853 votes. In the Democrat primary, where she placed first against Graham Boyd, her victory is tainted by her actions. The State Board of Elections has fined the commissioner's campaign committee \$130,000 for acting "willfully to deceive the public and board of elections" and, in the words of elections board Chairman Larry Leake, being "grossly negligent." Phipps has betrayed the public trust and, short of her illegal shenanigans, would probably not have won her job in an honest election.

Phipps seeks forgiveness for ignorance

Responsible for more than \$100,000 in illegal campaign contributions, Phipps claims she didn't know what her campaign team was doing. In other words, she blames her campaign staff and offers nothing but pie-in-the-sky ignorance as an excuse for their violation of the law.

Phipps, in a letter to the *N&O*, said she wants "to offer a sincere apology to the citizens of North Carolina and my supporters for failing to have tighter controls over my campaign's fund-raising efforts, its staff and volunteers." With nearly every violation occurring before the election, and her campaign treasurer implying favors to at least one donor with an interest in winning a N.C. State Fair contract, Phipps brought the same person on board in

the Agriculture Department, where she remains at Phipps' side. But Phipps claims to be an accountable executive to this day. If one is the chief executive officer of any organization, he or she has full responsibility for the actions of their staff. When they fail to exercise that responsibility, they certainly shouldn't leave their underlings hanging out to dry without hanging with them.

From fictitious organizations, to accepting illegal, unreported cash contributions of more than \$100, to more than \$14,000 in other illegal contributions, another \$84,000 from "unidentified" contributors, to carnival industry money moving like a whirling dervish on a carousel, Phipps obviously had no control over her campaign.

Or over her staff, and now she pretends to operate an \$80 million state council agency.

Some of the same incompetent people—such as Phipps' campaign treasurer Linda Saunders—were brought on board to staff the commissioner's office to supervise the expenditure of taxpayers' money.



Meg Scott Phipps

Board stretched its authority

In another development, we find that the State Board of Elections may have over-reached its authority by granting immunity to carnival magnates who testified against the Phipps campaign before the board. As the *N&O* noted, this is "a power usually reserved for prosecutors with a judge's approval." Indeed, there is little precedent for a state regulatory board usurping prosecutorial or judicial authority. The core argument here is that Phipps should resign because she did not win a fair election.

When she resigns—not if, but when—her office should be filled by the person who came in second in the electoral sweepstakes, Steve Troxler. Barring that, with partisan concerns undoubtedly in mind, the second-tier Democrat primary candidate Graham Boyd—again, now a Republican—should be appointed for the balance of Phipps' term.

It's bad enough that Phipps blames her campaign staff and refuses full responsibility for this tawdry spectacle. But by using illegal contributions Phipps bought a 31,853-vote margin that, it may be reasonably assumed, she would not have won had she run an honest and legal campaign. Her disposition for inattention and incompetence has led to further prob-

lems in granting contracts for state fair carnival operations. Phipps should resign and go home with her head hanging in shame. *CJ*

When she resigns... her office should be filled by the person who came in second in the electoral sweepstakes, Steve Troxler.

Defining Fairness in Our Economy: It's About Opportunity

By MICHAEL L. WALDEN

Contributing Editor

Most of us have a sense of fairness that we apply to all walks of life, including the economy. Unfortunately, people who are doing well in the economy often say our economic system is fair, whereas people who have fallen on hard times will frequently say the economy is unfair.

Hopefully, I can widen your perspective on economic fairness to beyond your personal situation—especially because a judgment on fairness is far more important than a philosophical exercise. Indeed, conceptions of fairness are often a motivation behind the votes of elected officials and citizens on public policy issues.

I will argue our economic system is essentially fair. I will examine fairness in four key aspects of the economy: prices, profits, income, and opportunity. As I build my arguments, I will develop the meaning of fairness in our economy.

Prices and fairness

Prices are a key part of our economy. To obtain some product or service, most of us must pay a price.

But is this fair? Critics of our economy say the existence of prices for “necessities” like food, clothing, and shelter is fundamentally unfair. They say people should be provided with these necessities even if they can't afford the price.

There are two answers to this criticism. First, there are government programs in place, such as food stamps and rent supplements, that assist limited-resource households acquire necessities.

Second, and perhaps more important, price plays a fundamental role in our economy of communicating value and reducing waste. Price represents the value of resources used to make a product or service. Price compensates for the use of these resources. If prices aren't charged, then it can be said buyers are “unfairly” using valuable resources for free. And if limited resources are given away for free, frugal and careful use of those resources isn't encouraged.

In other words, artificially low prices encourage waste.

Profits and fairness

Yet what about profits? Are profits evil? Don't profits simply represent the power of businesses over weak consumers?

There are several answers to these questions. First, average profit rates aren't as high as many people think. When the losses of unsuccessful businesses are included with the profits of successful ones, average profit rates are in the single digits.

More fundamentally, profits serve a vital function in our economy. Profits are a beaming signal to producers telling them where to deploy their resources. Industries with above-average profit rates are telling producers to enter that market and make more of the product or service. And when this occurs, profit rates will fall. In contrast, industries with below-average profit rates are telling producers to leave that market, and again, when this occurs, profit rates will rise.

So profits are, indeed, the “invisible hand” telling businesses what to produce and what not to produce. The only alternative is a government central planner, armed with imperfect information at best, deciding how much of what products to make. If there was ever a belief that such an alternative could work, the former Soviet Union dispelled it.

Incomes and fairness

Of course, the more income a person has, the better able he or she can afford to pay prices and purchase products and services. But all people don't have the same amount of income. So is the unequal distribution of income in our economy fair or unfair?

Again, many say the existence of income inequality in our economy is very unfair, and they say government has an obligation to use its taxing power to spread income more evenly across households. Indeed, there are several gov-

ernment programs that do just this to the tune of \$200 billion to \$300 billion annually.

But there's a reply from supporters of the economic system. Supporters say income inequality exists because people differ in how successfully they provide a product or service that is highly valued by the buying public. People who have the skills and know-how to deliver a product or service that buyers eagerly seek will be rewarded with high earnings. Physicians fall into this category because we all highly value our lives and wellness. But so, too, do entertainers, such as movie stars and professional athletes, who are able to provide enjoyment to large audiences.

If you don't like what some people are paid, don't blame them. Instead, blame the mass consuming public. But remember, collective values, not your individual values, determine the forces of the marketplace.

Opportunity and fairness

I think the ultimate determinant of fairness in our economy is not outcome, but opportunity. Where people are free to make choices about what occupation to pursue, whether to be an employer or an employee, and how much risk to take in a particular business venture, it is very hard to guarantee equal outcomes.

But what an economy can try to ensure is the opportunity to make these choices. Perhaps this is precisely why our economy puts so much emphasis on access to education. In North Carolina, for example, K-12 education is provided to all children at government expense, and tuition rates at the state's community colleges and public universities are among the most affordable in the nation.

Certainly, fairness is in the eyes of the beholder, and each of us has our own definition of fairness. But in my eyes, the key to fairness in an economy of free choice is the opportunity for individuals to prepare themselves to make those choices.

CJ

Michael Walden is a William Neal Reynolds distinguished professor in the Department of Agricultural and Resource Economics at North Carolina State University and an adjunct scholar with the John Locke Foundation.

HOV Lanes Could Relieve Congestion on N.C. Highways

By MICHAEL LOWREY

Associate Editor

Drivers traveling to Charlotte and the Research Triangle area in the coming years may soon be seeing signs with different symbols and lingo in an attempt to reduce congestion. High-occupancy vehicle lanes are planned for interstates through both areas in an attempt to get people to share rides.

This innovative concept, which offers drivers advantages to carpool, marks North Carolina's first venture into offering drivers an incentive to change their travel patterns.

The problem of road congestion is often one of dealing with peak usage. Most roads have more than enough capacity at 10 a.m., noon, 3 p.m. or 8 p.m.; the problem is the overwhelming mass of people traveling to and from work in the mornings and evenings. This results in commutes that are both long and of unpredictable length.

The typical means of dealing with congestion is building more lanes. Though generally appropriate, this approach does have its limits.

In North Carolina, the road program is badly underfunded, with the state having identified needs that at current spending levels will take two decades to address. In addition, the price of land in some urban areas may make widening interstates unaffordable.

Ways to reduce traffic

A complement to building more roads is to reduce the number of cars on the road, especially during rush hour. Rail transit lines are intended in part to do just this, though they are, even if successful, a very expensive option to build and operate. Charlotte's expanded transit system, including several rail lines, will cost more than \$1 billion. The Triangle's system won't be much cheaper.

Less-costly approaches involve either encouraging

drivers to carpool or change the time of day when they are on the road. All involve using a set of sticks and carrots to get people to change their behavior.

An obvious way to reduce the number of cars on the road is to get commuters to carpool. In the real world, few people choose to share a ride to the office. The cost savings from reduced gas usage and less wear and tear on vehicles just aren't great enough incentives for most people to make up for the inconvenience involved.

If, however, those in car pools or on buses could be guaranteed a faster, more predictable commute, more people might be willing to share a ride.

High-occupancy vehicle lane

From this realization comes the concept of the high-occupancy vehicle lane, which is a special lane reserved for vehicles carrying at least a certain number of people. (The number varies by road; two or three people per vehicle are common minimum standards.) The lighter usage of HOV lanes translates to a faster commute. In Washington D.C., traffic in HOV lanes averages 61 mph during commute times, compared to 29 mph on normal travel lanes.

Throughout the country, some states and communities are also experimenting with even more radical market-based solutions including toll roads with varying prices based upon the time of day.

The downside to HOV lanes is that they are a misallocation of scarce resources if enough commuters don't carpool. Indeed, in several cases HOV lanes have been abandoned because of insufficient usage. The costs of being wrong about HOV lanes, however, can and should be kept low. By not building special off ramps and other dedicated infrastructure, the lanes can easily be turned over to regular traffic if enough commuters aren't interested.

North Carolina's first HOV lanes

North Carolina's first HOV lanes are already under construction. In rapidly growing northern Mecklenburg County, the state is widening Interstate 77 from four to eight lanes, with two of the new lanes being reserved for HOV vehicles. The Department of Transportation estimates that 800 vehicles per hour will use the lanes in 2005 during morning rush hour, compared to 1,800 vehicles per hour on the normal travel lanes.

Currently only 9.3 percent of vehicles on the road carry two or more people, a high portion for a road without carpool lanes.

The I-77 widening project is also notable as the first use of design-build philosophy in North Carolina, in which roadwork begins even as the design is being finalized. Completion is scheduled for December 2003.

HOV lanes in RTP

The N.C. DOT is also considering the use of HOV lanes on I-40 in the Research Triangle Park area. The western portion of Raleigh's Outer Loop will also have space reserved for future HOV lanes.

While the lanes will not be built when road construction starts in 2008, by widening the footprint of the road, it will be much easier to add the lanes in the future. Preliminary studies suggest the region might be able to support HOV lanes by 2025.

As North Carolina struggles to meet its transportation and infrastructure needs, it is evident that it does not have the money to build its way out of all problems. By offering incentives to drivers through HOV lanes on selected roads, the state will hopefully get fewer people to drive and reduce congestion.

CJ

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By offering incentives to drivers through HOV lanes...the state will hopefully get fewer people to drive and reduce congestion.

Believe It or Not: Children's Museum Freaks Out

Ripley's Entertainment could buy the failed Exploris; other North Carolina sites are under consideration

By SHIRLEY STRANGE
Off-Beat Cultural Correspondent

Wake County commissioners are negotiating with Ripley's Entertainment to take over the failed Exploris Children's Museum in downtown Raleigh. The museum is privately owned, but the commissioners have been subsidizing the operation by more than \$2 million a year.

Ripley's Entertainment is most famous for its Ripley's Believe It or Not! museums. There are 17 such museums in North America as well as locations in England, Mexico, China, Denmark, Australia, and Thailand.

The talks with Ripley's started after several newspapers revealed that the Exploris Museum was not only deeply in debt but planned to be dependent on taxpayers for years to come.

Company spokesman Gordon Ripley told *Carolina Journal* that Ripley's was happy to take advantage of a bad situation and make it a win-win arrangement for his company and the state and local taxpayers that are still forced to pay for the failed project.

"We are already an international company. We plan to give the children and adults an experience they will never forget. Our museums focus on the weird and strange. Unlike the Exploris museum, we will not be trying to brainwash kids into thinking the world is one big happy family."



A Ripley's Believe It Or Not museum could come to Raleigh if talks with Exploris succeed.

"After Sept. 11, even very young children know the world can be a dangerous place. The Exploris vision — if there was such a thing — is a far cry from reality," Ripley said. "Even though our stuff is weird, it is all based on actual events, discoveries, or objects."

He added that Ripley's is also planning to make offers on other poorly attended museums, including the Museum of the Albemarle in Elizabeth City and the An-

drew Jackson Museum in Union County.

Exploris founder Gordon Smith said he would continue to lobby against the proposed takeover. "I know the Exploris project has not lived up to the expectations of everyone, but if you just give me enough time and money I am sure I can make it work," Smith said at a recent county commission meeting.

Former Gov. Jim Hunt stood by Smith on his quest for more time and money.

"Good intentions do not have to produce good results immediately or even ever," he told *Parting Shot*. "My Smart Start program is a perfect example of that."

Hunt said he feels somewhat responsible for the Exploris project and vowed to lobby the federal, state, and local governments for more money to stop the takeover. While he was governor in 1995 Hunt sought funding for the project. Both the House and Senate actually considered budgets with funding for Exploris, but when the final budget was approved funding for Exploris was deleted.

"That really ticked me off," Hunt said. "When I promise a friend that I will get taxpayers to pay for his dream, I aim to deliver."

The takeover is expected to be completed in early 2003. Easley said he was a strong supporter of the change. "It's not that I wouldn't siphon off state tax dollars for pet projects," he said. "But this was not my project. It was Hunt's. These Exploris folks did nothing to help me get elected governor. Why should I support them?"

Easley also said he was looking forward to having a Ripley's museum close to home. "I used to fly in the state helicopter over to Gatlinburg, Tenn. once a month just to visit the Ripley's museum. I know it looked bad, but those trips will no longer be an issue when Raleigh's gets up and running." He also agreed to let the new museum's yet-to-be-named president be on the state payroll. "I know it's weird, but weird is cool," he said.



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